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SENATE ELECTION LAW GUIDEBOOK
1982

A COMPILATION OF SENATE CAMPAIGN INFORMATION, INCLUDING FEDERAL AND STATE LAWS GOVERNING ELECTION TO THE UNITED STATES SENATE

CHARLES McC. MATHIAS, JR., *Chairman*
COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE

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PREFACE

The 1982 publication contains a comprehensive compilation of constitutional and federal statutory provisions, material relating to the nomination and election of candidates to the United States Senate, and analyses of state election laws along with corresponding charts pertinent to election of such candidates.

This guidebook is designed for ready reference, giving the highlights of the provisions of federal and state laws pertaining to the election of Senators. It is anticipated that it will be of benefit to senatorial candidates, to the Committee on Rules and Administration, and to the public in general. The detailed citations will afford opportunity for reference to the laws if one should require complete information on any given subject.

This revision of the *Senate Election Law Guidebook* was prepared at the direction of the Committee on Rules and Administration, by Thomas M. Durbin, Jay R. Shampansky, Michael V. Seitzinger, Thomas J. Nicola, legislative attorneys and M. Ann Wolfe, technical information specialist, under the supervision of Charles Doyle, Assistant Chief, and Joseph E. Ross, Chief, American Law Division, Congressional Research Service, Library of Congress.

S. Res. 290

In the Senate of the United States,

February 8 (legislative day, January 25), 1982.

Resolved, That a revised edition of Senate Document Numbered 96–45, entitled “Senate Election Law Guidebook”, be printed as a Senate document, and that there be printed eight hundred additional copies of such document for the use of the Committee on Rules and Administration.

Attest:

Secretary.

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The United States Senate

Ninety-Seventh Congress

GEORGE H. BUSH, Vice President

STORM THURMOND, President Pro Tempore

WILLIAM F. HILDENBRAND, Secretary

HOWARD S. LIEBENGOOD, Sergeant at Arms

MARILYN E. COURTOT, Assistant Secretary

HOWARD O. GREENE, JR., Secretary for the Majority

TERRANCE E. SAUVAIN, Secretary for the Minority

REVEREND RICHARD C. HALVERSON, LLD., Chaplain

[Republicans in Roman (53); Democrats in *italics* (46); Independent-Democrat in CAPS, and SMALL CAPS (1); total 100]

Name	Residence	Service from	Term expires
James Abdnor	Kennebec, S. Dak	Jan. 3, 1981	Jan. 2, 1987
Mark Andrews	Mapleton, N. Dak	Jan. 3, 1981	Jan. 2, 1987
William L. Armstrong	Aurora, Colo	Jan. 3, 1979	Jan. 2, 1985
Howard H. Baker, Jr	Huntsville, Tenn	Jan. 3, 1967	Jan. 2, 1985
Max Baucus	Missoula, Mont	Dec. 15, 1978	Jan. 2, 1985
Lloyd Bentsen	Brazoria, Tex	Jan. 3, 1971	Jan. 2, 1983
Joseph R. Biden, Jr	Hockessin, Del	Jan. 3, 1973	Jan. 2, 1985
David L. Boren	Oklahoma City, Okla	Jan. 3, 1979	Jan. 2, 1985
Rudy Boschwitz	Minneapolis, Minn	Dec. 30, 1978	Jan. 2, 1985
Bill Bradley	Denville, N.J	Jan. 3, 1979	Jan. 2, 1985
Dale Bumpers	Charleston, Ark	Jan. 3, 1975	Jan. 2, 1987
Quentin N. Burdick	Fargo, N. Dak	Aug. 8, 1960	Jan. 2, 1983
HARRY F. BYRD, Jr	Winchester, Va	Nov. 12, 1965	Jan. 2, 1983
Robert C. Byrd	Sophia, W. Va	Jan. 3, 1959	Jan. 2, 1983
Howard W. Cannon	Las Vegas, Nev	Jan. 3, 1959	Jan. 2, 1983
John H. Chafee	Warwick, R.I	Dec. 29, 1976	Jan. 2, 1983
Lawton Chiles	Lakeland, Fla	Jan. 3, 1971	Jan. 2, 1983
Thad Cochran	Jackson, Miss	Dec. 27, 1978	Jan. 2, 1985
William S. Cohen	Bangor, Maine	Jan. 3, 1979	Jan. 2, 1985
Alan Cranston	Los Angeles, Calif	Jan. 3, 1969	Jan. 2, 1987
Alfonse M. D'Amato	Island Park, N.Y	Jan. 3, 1981	Jan. 2, 1987
John C. Danforth	Newburg, Mo	Dec. 27, 1976	Jan. 2, 1983
Dennis DeConcini	Tuscon, Ariz	Jan. 3, 1977	Jan. 2, 1983
Jermiah Denton	Mobile, Ala	Jan. 2, 1981	Jan. 2, 1987
Alan J. Dixon	Belleville, Ill	Jan. 3, 1981	Jan. 2, 1987
Christopher J. Dodd	Norwich, Conn	Jan. 3, 1981	Jan. 2, 1987
Robert Dole	Russell, Kans	Jan. 3, 1969	Jan. 2, 1987
Pete V. Domenici	Albuquerque, N. Mex	Jan. 3, 1973	Jan. 2, 1985
David Durenberger	Minneapolis, Minn	Nov. 8, 1978	Jan. 2, 1983
Thomas F. Eagleton	St. Lousi, Mo	Dec. 28, 1968	Jan. 2, 1987
John P. East	Greenville, N.C	Jan. 3, 1981	Jan. 2, 1987
J. James Exon	Lincoln, Nebr	Jan. 3, 1979	Jan. 2, 1985
Wendell H. Ford	Owensboro, Ky	Dec. 28, 1974	Jan. 2, 1987
Jake Garn	Salt Lake City, Utah	Dec. 21, 1974	Jan. 2, 1987

Name	Residence	Service from	Term expires
John Glenn	Columbus, Ohio	Dec. 24, 1974	Jan. 2, 1987
Barry Goldwater	Scottsdale, Ariz	Jan. 3, 1969	Jan. 2, 1987
Slade Gordon	Olympia, Wash	Jan. 3, 1981	Jan. 2, 1987
Charles E. Grassley	New Hartford, Iowa	Jan. 3, 1981	Jan. 2, 1987
Gary Hart	Denver, Colo	Jan. 3, 1975	Jan. 2, 1987
Orrin G. Hatch	Salt Lake City, Utah	Jan. 3, 1977	Jan. 2, 1983
Mark O. Hatfield	Salem, Or	Jan. 10, 1967	Jan. 2, 1985
Paula Hawkins	Winter Park, Fla	Jan. 1, 1981	Jan. 2, 1987
S. I. Hayakawa	Mill Valley, Calif	Jan. 2, 1977	Jan. 2, 1983
Howell, T. Heflin	Tuscumbia, Ala	Jan. 3, 1979	Jan. 2, 1985
John Heinz	Pittsburgh, Pa	Jan. 3, 1977	Jan. 2, 1983
Jesse Helms	Raleigh, N.C	Jan. 3, 1973	Jan. 2, 1985
Ernest F. Hollings	Charleston, S.C	Nov. 9, 1966	Jan. 2, 1987
Walter D. Huddleston	Elizabethtown, Ky	Jan. 3, 1973	Jan. 2, 1985
Gordon J. Humphrey	Sunapee, N.H	Jan. 3, 1979	Jan. 2, 1985
Daniel K. Inouye	Honoulu, Hawaii	Jan. 3, 1963	Jan. 2, 1987
Henry M. Jackson	Everett, Wash	Jan. 3, 1953	Jan. 2, 1983
Roger W. Jepsen	Davenport, Iowa	Jan. 3, 1979	Jan. 2, 1985
J. Bennett Johnston	Shreveport, La	Nov. 14, 1972	Jan. 2, 1985
Nancy Landon Kassebaum	Wichita, Kans	Dec. 23, 1978	Jan. 2, 1985
Robert W. Kasten, Jr	Milwaukee, Wis	Jan. 3, 1981	Jan. 2, 1987
Edward M. Kennedy	Boston, Mass	Nov. 7, 1962	Jan. 2, 1983
Paul Laxalt	Carson City, Nev	Dec. 18, 1974	Jan. 2, 1987
Patrick J. Leahy	Burlington, Vt	Jan. 3, 1975	Jan. 2, 1987
Carl Levin	Detroit, Mich	Jan. 3, 1979	Jan. 2, 1985
Russell B. Long	Baton Route, La	Dec. 31, 1948	Jan. 2, 1987
Richard G. Lugar	Indianapolis, Ind	Jan. 3, 1977	Jan. 2, 1983
Charles McC. Mathias, Jr	Frederick, Md	Jan. 3, 1969	Jan. 2, 1987
Spark M. Matsunaga	Honolulu, Hawaii	Jan. 3, 1977	Jan. 2, 1983
Mack Mattingly	Brunswick, Ga	Jan. 3, 1981	Jan. 2, 1987
James A. McClure	Payette, Idaho	Jan. 3, 1973	Jan. 2, 1985
John Melcher	Forsyth, Mont	Jan. 3, 1977	Jan. 2, 1983
Howard M. Metzenbaum	Shaker Heights, Ohio	Dec. 29, 1976	Jan. 2, 1983
George J. Mitchell	South Portland, Wash	May 19, 1980	Jan. 2, 1983
Daniel Patrick Moynihan	Oneota, N.Y	Jan. 3, 1977	Jan. 2, 1983
Frank H. Murkowski	Fairbanks, Alaska	Jan. 3, 1981	Jan. 2, 1987
Don Nickles	Ponca City, Okla	Jan. 3, 1981	Jan. 2, 1987
Sam Nunn	Perry, Ga	Nov. 8, 1972	Jan. 2, 1985
Bob Packwood	Portland, Or	Jan. 3, 1969	Jan. 2, 1987
Claiborne Pell	Newport, R.I	Jan. 3, 1961	Jan. 2, 1985
Charles H. Percy	Wilmette, Ill	Jan. 3, 1967	Jan. 2, 1985
Larry Pressler	Humboldt, S. Dak	Jan. 3, 1979	Jan. 2, 1985
William Proxmire	Madison, Wis	Aug. 28, 1957	Jan. 2, 1983
David Pryor	Camden, Ark	Jan. 3, 1979	Jan. 2, 1987
Dan Quayle	Huntington, Ind	Jan. 3, 1981	Jan. 2, 1987
Jennings Randolph	Elkins, W. Va	Nov. 5, 1958	Jan. 2, 1985
Donald W. Riegle, Jr	Flint, Mich	Dec. 30, 1976	Jan. 2, 1983
William V. Roth, Jr	Wilmington, Del	Jan. 1, 1971	Jan. 2, 1983
Warren Rudman	Nashua, N.H	Dec. 31, 1980	Jan. 2, 1987
Paul S. Sarbanes	Baltimore, Md	Jan. 3, 1977	Jan. 2, 1983
Jim Sasser	Nashville, Tenn	Jan. 3, 1977	Jan. 2, 1983
Harrison H. Schmitt	Silver City, N. Mex	Jan. 3, 1977	Jan. 2, 1983
Alan K. Simpson	Cody, Wyo	Jan. 1, 1979	Jan. 2, 1985
Arlen Specter	Philadelphia, Pa	Jan. 3, 1981	Jan. 2, 1987
Robert T. Stafford	Rutland, Vt	Sept. 16, 1971	Jan. 2, 1983
John C. Stennis	De Kalb, Miss	Nov. 5, 1947	Jan. 2, 1983
Ted Stevens	Anchorage, Alaska	Dec. 24, 1968	Jan. 2, 1985
Steven D. Symms	Caldwell, Idaho	Jan. 3, 1981	Jan. 2, 1987
Strom Thurmond	Aiken, S.C	Nov. 7, 1956	Jan. 2, 1985
John Tower	Wichita Falls, Tex	June 15, 1961	Jan. 2, 1985
Paul E. Tsongas	Lowell, Mass	Jan. 3, 1979	Jan. 2, 1985
Malcolm Wallop	Big Horn, Wyo	Jan. 3, 1977	Jan. 2, 1983
John W. Warner	Middleburg, Va	Jan. 2, 1979	Jan. 2, 1985
Lowell Weicker, Jr	Greenwich, Conn	Jan. 3, 1971	Jan. 2, 1983
Harrison A. Williams, Jr	Bedminster, N.J	Jan. 3, 1959	Jan. 2, 1983
Edward Zorinsky	Omaha, Nebr	Dec. 28, 1976	Jan. 2, 1983

IMPORTANT ELECTION DATES

A. 1982 Senate Primaries and Filing Deadlines

States electing Senators in 1982	Incumbent	Primary date	Filing deadline
Arizona	Dennis DeConcini, Democrat	Sept. 7	June 24.
California	S. I. Hayakawa, Republican	June 8	Mar. 12.
Connecticut	Lowell Weicker, Jr., Republican	Sept. 7	
Delaware	William V. Roth, Jr., Republican	Sept. 11	July 30.
Florida	Lawton Chiles, Democrat	Sept. 7	July 20.
Hawaii	Spark M. Matsunaga, Democrat	Sept. 18	July 20.
Indiana	Richard G. Lugar, Republican	May 4	Mar. 5.
Maine	George J. Mitchell, Democrat	June 8	Apr. 1.
Maryland	Paul S. Sarbanes, Democrat	Sept. 14	July 6.
Massachusetts	Edward M. Kennedy, Democrat	Sept. 14	May 4.
Michigan	Donald W. Riegle, Jr., Democrat	Aug. 3	June 1.
Minnesota	David Durenberger, Republican	Sept. 14	July 20.
Mississippi	John C. Stennis, Democrat	June 1	Apr. 2.
Missouri	John C. Danforth, Republican	Aug. 3	Apr. 27.
Montana	John Melcher, Democrat	June 8	Apr. 19.
Nebraska	Edward Zorinsky, Democrat	May 11	Feb. 25[2].
Nevada	Howard W. Cannon, Democrat	Sept. 14	July 21.
New Jersey	Harrison A. Williams, Jr., Democrat	June 8	Apr. 29.
New Mexico	Harrison H. Schmitt, Republican	June 1	Mar. 2[3].
New York	Daniel Patrick Moynihan, Democrat	Sept. 14	June 28[4].
North Dakota	Quentin N. Burdick, Democrat	June 8	Apr. 14.
Ohio	Howard M. Metzenbaum, Democrat	June 8	Mar. 25[5].
Pennsylvania	John Heinz, Republican	May 18	Mar. 9.
Rhode Island	John H. Chafee, Republican	Sept. 14	June 10.
Tennessee	Jim Sasser, Democrat	Aug. 5	June 3.
Texas	Lloyd Bentsen, Democrat	May 1	Feb. 1.
Utah	Orrin G. Hatch, Republican	Sept. 14	Apr. 26.
Vermont	Robert T. Stafford, Republican	Sept. 14	July 19.
Virginia[6]	Harry F. Byrd, Jr., Independent	[June 8]	
Washington	Henry M. Jackson, Democrat	Sept. 14	July 30.
West Virginia	Robert C. Byrd, Democrat	June 1	Mar. 27.
Wisconsin	William Proxmire, Democrat	Sept. 14	July 13.
Wyoming	Malcolm Wallop, Republican	Sept. 14	July 16.

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[1] Date not available—date is 14 days after party convention; party convention date not established by publication date.
[2] Mar. 12 nonincumbent; Aug. 30, alternate method, petition for nomination for candidate by petition for general election.
[3] Apr. 12, by alternate method for candidates not receiving 20 percent delegate votes.
[4] July 29, by alternate method, petition by enrolled party members.
[5] Apr. 29, write-in candidate in primary must file a declaration of intent.
[6] Both the Democratic and Republican Parties will select senatorial candidates by convention.

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B. Dates of Primary Elections for Senate Candidates

Date	State
May 1	Texas.
May 4	Indiana.
May 11	Nebraska.
May 18	Pennsylvania.
June 1	Mississippi, New Mexico, and West Virginia.
June 8	California, Maine, Montana, New Jersey, North Dakota, and Ohio.
Aug. 3	Michigan and Missouri.
Aug. 5	Tennessee.
Sept. 7	Arizona, Connecticut, Florida.
Sept. 11	Delaware.
Sept. 14	Maryland, Massachusetts, Minnesota, Nevada, New York, Rhode Island, Utah, Vermont, Washington, Wisconsin, and Wyoming.
Sept. 18	Hawaii.

C. 1982 Election Dates

State	Primary election			General election		
	Filing deadline	Primary date	Runoff primary	Independent candidates	Minor party	Write-in candidate
Alabama[1]						
Alaska[1]						
Arizona	June 24	Sept. 7		Sept. 17	June 24	Oct. 27.
Arkansas[1]						
California	Mar. 12	June 8		Aug. 6		
Colorado[1]						
Connecticut[2]		Sept. 7				
Delaware	July 30	Sept. 11				
Florida	July 20	Sept. 7	Oct. 5	July 20		
Georgia[1]						
Hawaii	July 20	Sept. 18		July 20	Apr. 21	
Idaho[1]						
Illinois[1]						
Indiana	Mar. 5	May 4		Mar. 5	Mar. 5	
Iowa[1]						
Kansas[1]						
Kentucky[1]						
Louisiana[1]						
Maine	Apr. 1	June 8		Apr. 1		
Maryland	July 6	Sept. 14		July 6	July 6	
Massachusetts	May 4	Sept. 14		May 4	May 4	Sept. 27.
Michigan	June 1	Aug. 3			May 31	
Minnesota	July 20	Sept. 14		July 20		
Mississippi	Apr. 2	June 1	June 22	Sept. 3	Apr. 2	
Missouri	Apr. 27	Aug. 3		Aug. 2	Aug. 2	
Montana	Apr. 19	June 8		Apr. 19	Apr. 19	June 18.
Nebraska	Feb. 25[3]	May 11				
Nevada	July 21	Sept. 14		June 25		
New Hampshire[1]						
New Jersey	Apr. 29	June 8		Apr. 29	Apr.29	June 15.
New Mexico	Mar. 2[4]	June 1		July 13	July 13	Apr. 12.
New York	June 28[5]	Sept. 14		Sept. 14	June 26	
North Carolina[1]						

See footnotes at end of table.

C. 1982 Election Dates—Continued

State	Primary election			General election		
	Filing deadline	Primary date	Runoff primary	Independent candidates	Minor party	Write-in candidate
North Dakota	Apr. 14	June 8		Sept. 14	Apr. 14	
Ohio	Mar. 25[6]	June 8		Mar. 25	Mar. 25	Sept. 23.
Oklahoma[1]						
Oregon[1]						
Pennsylvania	Mar. 9	May 18		May 28	Mar. 9	July 17.
Rhode Island	June 10	Sept. 14		June 10		
Scuth Carolina[1]						
South Dakota[1]						
Tennessee	June 3	Aug. 5		June 3	June 3	
Texas	Feb. 1	May 1	June 5	Feb. 1	July 2	
Utah	Apr. 26	Sept. 14		May 10		
Vermont	July 19	Sept. 14		Sept. 16	Sept. 16	
Virginia[7]		[June 8]		June 8		
Washington	July 30	Sept. 14		July 30	July 30	
West Virginia	Mar. 27	June 1		May 31	May 31	
Wisconsin	July 13	Sept. 14		July 13		
Wyoming	July 16	Sept. 14		Sept. 17		

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[1] No Senate election in 1982.

[2] Date was unavailable at publication deadline, the filing deadline is 14 days after party convention.

[3] Aug. 30, alternate method, petition for nomination for candidate by petition for general election.

[4] Apr. 12, by alternate method for candidate not receiving 20 percent of delegate vote.

[5] July 29, by alternate method, petition by enrolled party members.

[6] Apr. 29, write-in candidate in primary must file a declaration of intent.

[7] Both the Democratic and Republican Party will select senatorial candidates by convention.

PART I

CONSTITUTIONAL AND FEDERAL STATUTORY PROVISIONS AND OTHER RELATED MATERIAL REGULATING THE NOMINATION AND ELECTION OF UNITED STATES SENATORS

A. FEDERAL CONSTITUTIONAL PROVISIONS RELATING TO THE ELECTION OF SENATORS

Composition of Senate

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures. (Amendment XVII.)

Vacancies

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided,* That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct. (*Ibid.*, cl. 2.)

Qualifications

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen. (Art. 1, § 3, cl. 3.)

No person shall be a Senator or Representative in Congress, . . . who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability. (Amendment XIV § 3.)

Conduct of Elections

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. (Art. 1, § 4, cl. 1.)

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business. (Art. 1, § 5, cl. 1.)

Dual Office Holding

No Senator or Representative, shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a Member of either House during his continuance in office. (Art. 1, §6, cl. 2.)

No Senator or Representative, . . . shall be appointed an Elector (Art. 2, §1,cl.2.0

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin. (Amendment XX, §1.)

Ban on Poll Tax

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax. (Amendment XXIV, §1.)[1]

Eighteen Year Old Vote

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age. (Amendment XXVI, §1.)

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[1] Poll taxes as a requirement for voting in State and local elections invalidated by *Harper* v. *State Board of Elections; Butts* v. *Harrison*, 383 U.S. 663 (1966).

B. LAWS RELATING TO THE ELECTION OF SENATORS (TITLE 2, UNITED STATES CODE)

CHAPTER 1—ELECTION OF SENATORS AND REPRESENTATIVES

2 U.S.C. § 1. Time for Election of Senators

At the regular election held in any State next preceding the expiration of the term for which any Senator was elected to represent such State in Congress, at which election a Representative to Congress is regularly by law to be chosen, a United States Senator from said State shall be elected by the people thereof for the term commencing on the 3d day of January next thereafter. (June 4, 1914, ch. 103, § 1, 38 Stat. 384; June 5, 1934, ch. 390, § 3, 48 Stat. 879.)

2 U.S.C. § 1a. Election to be Certified by Governor

It shall be the duty of the executive of the State from which any Senator has been chosen to certify his election, under the seal of the State, to the President of the Senate of the United States. (R.S. § 18.) (See form suggested by Senate Rule II, *infra.*)

2 U.S.C. § 1b. Same: Countersignature by Secretary of State

The certificate mentioned in section 1a of this title shall be countersigned by the Secretary of State of the State. (R.S. § 19.)

2 U.S.C. § 7. Time of Election

The Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January, next thereafter. This section shall not apply to any State that has not yet changed its day of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State. (R.S. § 25; Mar. 3, 1875, ch. 130, § 6, 18 Stat. 400; June 5, 1934, ch. 390, § 2, 48 Stat. 879.)

2 U.S.C. § 8. Vacancies

The time for holding elections in any State, district, or territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and territories respectively. (R.S. § 26.)

CHAPTER 2—ORGANIZATION OF CONGRESS (OATH OF OFFICE)

2 U.S.C. § 21. Oath of Senators

The oath of office shall be administered by the President of the Senate to each Senator who shall be elected, previous to his taking his seat. (R.S. § 28.)

2 U.S.C. § 22. Oath of President of Senate

When a President of the Senate has not taken the oath of office, it shall be administered to him by any Member of the Senate. (R.S. § 29.)

2 U.S.C. § 23. Presiding Officer of Senate May Administer Oaths

The presiding officer, for the time being, of the Senate of the United States, shall have power to administer all oaths and affirmations that are or may be required by the Constitution, or by law, to be taken by any Senator, officer of the Senate, witness, or other person, in respect to any matter within the jurisdiction of the Senate. (Apr. 18, 1876, ch. 66, § 1, 19 Stat. 34.)

2 U.S.C. § 24. Secretary of Senate or Assistant Secretary May Administer Oaths

The Secretary of the Senate, and the Assistant Secretary thereof, shall, respectively, have power to administer any oath or affirmation required by law, or by the rules or orders of the Senate, to be taken by any officer of the Senate, and to any witness produced before it. (As amended July 9, 1971, Pub. L. 92-51, § 101, 85 Stat. 125.)

CHAPTER 3—COMPENSATION AND ALLOWANCES OF MEMBERS

2 U.S.C. § 31. Compensation of Members of Congress

(1) The annual rate of pay for—

(A) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

(B) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

(C) the Speaker of the House of Representatives,

shall be the rate determined for such positions under sections 351 to 361 of this title, as adjusted by paragraph (2) of this section.

(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of Title 5 in the rates of pay under the General Schedule, each annual rate referred to in paragraph (1) shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of Title 5) of the adjustment in the rates of pay under the General Schedule.

(As amended Aug. 9, 1975, Pub. L. 94-82, Title II, § 204(a), 89 Stat. 421.)

2 U.S.C. § 33. Senators' Salaries Payable Monthly

Senators elected, whose term of office begins on the 3d day of January, and whose credentials in due form of law shall have been presented in the Senate, may receive their compensation monthly from the beginning of their term. (Mar. 3, 1883, ch. 143, 22 Stat. 632; June 19, 1934, ch. 648, Title I, § 1, 48 Stat. 1022.)

2 U.S.C. § 36. Salaries of Senators

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided,* That when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

Salaries of Senators elected during a session to succeed appointees shall commence on the day they qualify: *Provided,* That when Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election. (Feb. 10, 1923, ch. 68, 42 Stat. 1225; Feb. 6, 1931, ch. 111, 46 Stat. 1065; June 19, 1934, ch. 648, Title I, § 1, 48 Stat. 1022; Feb. 13, 1935, ch. 6, § 1, 49 Stat. 22, 23.)

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the —— day of ——, 19—, A —— B —— was duly chosen by the qualified electors of the State of ——— a Senator for the unexpired term ending at noon on the 3d day of January, 19—, to fill the vacancy in the representation from said State in the Senate of the United States caused by the —— of C —— D ——.

Witness: His excellency our governor, and our seal hereto affixed at —— this —— day of ——, in the year of our Lord 19—.

By the governor:

E —— F ——,
Governor.

G —— H ——,
Secretary of State.

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ——, I, A —— B ——, the governor of said State, do hereby appoint C —— D —— a Senator from said Sate to represent said State in the Senate of the United States until the vacancy therein, caused by the —— of E —— F ——, is filled by election as provided by law.

Witness: His excellency our governor ——, and our seal hereto affixed at —— this —— day of ——, in the year of our Lord 19—.

By the governor:

G —— H ——,
Governor.

I —— J ——,
Secretary of State.

Resolved, That the Secretary of the Senate shall send copies of these suggested forms and these resolutions to the executive and secretary of each State wherein an election is about to take place or an appointment is to be made in season that they may use such forms if they see fit. (S. Jour. 17, 72-2, Jan. 4, 1934; S. Jour. 547, 87-1, July 17, 1961.)

C. CAMPAIGN FINANCING, REPORTING, AND DISCLOSURE (TITLE 2, UNITED STATES CODE)

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2 U.S.C. §431. Definitions

When used in this Act:

(1) The term "election" means—

(A) a general, special, primary, or runoff election:

(B) a convention or caucus of a political party which has authority to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; and

(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.

(2) The term "candidate" means an individual who seeks nomination for election, or election, to Federal office, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election—

(A) if such individual has received contributions aggregating in exceess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excees of $5,000 or has made such expenditures aggregating in excess of $5,000.

(3) The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

(4) The term "political committee" means—

(A) any committee, club, association, or other group of persons which receives contributions, aggregating in excess of $1,000 during a calendar year or which makes expenditures aggregating in excess of $1,000 during a calendar year; or

(B) any separate segregated fund established under the provisions of section 441(b) of this title; or

(C) any local committee of a political party which receives contributions aggregating in excess of $5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in paragraph (8) and (9) of this section aggregating in excess of $5,000 during a calendar year, or makes contributions aggregating in excess of $1,000 during a calendar year or makes expenditures aggregating in excess of $1,000 during a calendar year.

(5) The term "principal campaign committee" means a political committee designated and authorized by a candidate under section 432(e)(1) of this title.

(6) The term "authorized committee" means the principal campaign committee or any other political committee authorized by a candidate under section 432(e)(1) of this title to receive contributions or make expenditures on behalf of such candidate.

(7) The term "connected organization" means any organization which is not a political committee but which directly or indirectly establishes, administers, or financially supports a political committee.

(8)(A) The term "contribution" includes—

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

(B) The term "contribution" does not include—

(i) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee;

(ii) the use of real or personal property, including a church or community room used on a regular basis by members of a community for noncommercial purposes, and the cost of invitations, food, and beverages, voluntarily provided by an individual to any candidate or any political committee of a political party in rendering voluntary personal services on the individual's residential premises or in the church or community room for candidate-related or political party-related activities, to the extent that the cumulative value of such invitations, food, and beverages provided by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iii) the sale of any food or beverage by a vendor for use in any candidate's campaign or for use by or on behalf of any political committee of a political party at a charge less than that the normal comparable charge, if such charge is at least equal to the cost of such food or beverage to the vendor, to the extent that the cumulative value of such activity by such vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(iv) any unreimbursed payment for travel expenses made by any individual on behalf of any candidate or any political committee of a political party, to the extent that the cumulative value of such activity by such individual on behalf of any single candidate does not exceed $1,000 with respect to any single election, and on behalf of all political committees of a political party does not exceed $2,000 in any calendar year;

(v) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to any cost incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vii) any loan of money by a State bank, a federally chartered depository institution, or a depository institution the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, other than any overdraft made with respect to a checking or savings account, made in accordance with applicable law and in the ordinary course of business, but such loan—

(I) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors;

(II) shall be made on a basis which assures repayment, evidenced by a written instrument, and subject to a due date or amortization schedule; and

(III) shall bear the usual and customary interest rate of the lending institution;

(viii) any gift, subscription, loan, advance, or deposit of money or anything of value to a national or a State committee of a political party specifically designated to defray any cost for construction or purchase of any office facility not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office;

(ix) any legal or accounting services rendered to or on behalf of—

(I) any political committee of a political party if the person paying for such services is the regular employer of the person rendering such services and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) an authorized committee of a candidate or any other political committee, if the person paying for such services is the regular employer of the individual rendering such services and if such services are solely for the purposes of ensuring compliance with this Act or chapter 95 or chapter 96 of Title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(x) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided,* That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spend on behalf of a particular candidate or particular candidates;

(xi) the payment by a candidate, for nomination or election to any public office (including State or local office), or authorized committee of a candidate, of the costs of campaign materials which include information on or reference to any other candidate and which are used in connection with volunteer activities (including pins, bumper stickers, handbills, brochures, posters, and yard signs, but not including the use of broadcasting, newspapers, magazines, billboards, direct mail, or similar types of general public communications or political advertising): *Provided,* That such payments are made from contributions subject to the limitations and prohibitions of this Act;

(xii) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nonminees of such party for President and Vice President: *Provided,* That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spend on behalf of a particular candidate or candidates;

(xiii) payments made by a candidate or the authorized committee of a candidate as a condition of ballot access and payments received by any political party committee as a condition of ballot access; and

(xiv) any honorarium (within the meaning of section 441i of this title).

(9)(A) The term "expenditure" includes—

(i) any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office; and

(ii) a written contract, promise, or agreement to make an expenditure.

(B) The term "expenditure" does not include—

(i) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(ii) nonpartisan activity designed to encourage individuals to vote or to register to vote;

(iii) any communication by any membership organization or corporation to its members, stockholders, or executive or administrative personnel, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office, except that the costs incurred by a membership organization (including a labor organization) or by a corporation directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate), shall, if such costs exceed $2,000 for any election, be reported to the Commission in accordance with section 434(a)(4)(A)(i) of this title, and in accordance with section 434(a)(4)(A)(ii) of this title with respect to any general election;

(iv) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising;

(v) any payment made or obligation incurred by a corporation or a labor organization which, under section 441(b) of this title, would not constitute an expenditure by such corporation or labor organization;

(vi) any costs incurred by an authorized committee or candidate in connection with the solicitation of contributions on behalf of such candidate, except that this clause shall not apply with respect to costs incurred by an authorized committee of a candidate in excess of an amount equal to 20 percent of the expenditure limitation applicable to such candidate under section 441(a) of this title, but all such costs shall be reported in accordance with section 434(b) of this title;

(vii) the payment of compensation for legal or accounting services—

(I) rendered to or on behalf of any political committee of a political party if the person paying for such services is the regular employer of the individual rendering such services, and if such services are not attributable to activities which directly further the election of any designated candidate to Federal office; or

(II) rendered to or on behalf of a candidate or political committee if the person paying for such services is the regular employer of the individual rendering such services, and if such services are solely for the purpose of ensuring compliance with this Act or chapter 95 or chapter 96 of Title 26,

but amounts paid or incurred by the regular employer for such legal or accounting services shall be reported in accordance with section 434(b) of this title by the committee receiving such services;

(viii) the payment by a State or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids, and yard signs) used by such committee in connection with volunteer activities on behalf of nominees of such party: *Provided,* That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or particular candidates;

(ix) the payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of nominees of such party for President and Vice President: *Provided,* That—

(1) such payments are not for the costs of campaign materials or activities used in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising;

(2) such payments are made from contributions subject to the limitations and prohibitions of this Act; and

(3) such payments are not made from contributions designated to be spent on behalf of a particular candidate or candidates; and

(x) payments received by a political party committee as a condition of ballot access which are transferred to another political party committee or the appropriate State official.

(10) The term "Commission" means the Federal Election Commission.

(11) The term "person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government.

(12) The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

(13) The term "identification" means—

(A) in the case of any individual, the name, the mailing address, and the occupation of such individual, as well as the name of his or her employer; and

(B) in the case of any other person, the full name and address of such person.

(14) The term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term "political party" means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) The term "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

(18) The term "clearly identified" means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term "Act" means the Federal Election Campaign Act of 1971 as amended.

s amended Pub. L. 96–187, Title I. §101, Jan. 8, 1980, 93 Stat. 339.

otected speech

A "Nixon-Ford" poster did not trigger the reporting requirement. The poster did not come within the statutory definition of a communication expressly advocating the election or defeat of a candidate because terms such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," and "reject," were not used. *Federal Election Commission* v.

American Federation of State, County and Municipal Employees, 471 F. Supp. 315 (D.D.C. 1979).

Contributions

The court upheld the Federal Election Commission Regulation (11 C.F.R. § 110.1(g)(1)) which provides that contributions made to retire debts resulting from elections held prior to Janury 1, 1975, are not subject to limitations as long as the contributions and solicitations to retire those debts are clearly designated and used for that purpose. *National Conservative Political Action Committee* v. *Federal Election Commission,* 626 F.2d 953 (D.C. 1980).

Regulation of unofficial candidates

Congress was acting within its constitutional authority in regulating election campaigns of unofficial candidates for federal office who have not yet taken action under state law which is necessary to qualify them for nomination for election. *Gifford* v. *Congress,* 452 F. Supp. 802 (E.D. Calif. 1978).

Disclosure of political committee records

Court granted judgment for disclosure of records outlining the contributions and expenditures of the "Townhouse Operation," which was a political committee allegedly sponsored by the White House for raising and disbursing funds to Republican candidates in the 1970 Congressional elections. *Congressional News Syndicate* v. *U.S. Dept. of Justice,* 438 F. Supp. 538 (D.D.C. 1977)).

2 U.S.C. § 432. Organization of political committees—Treasurer; vacancy official authorizations

(a) Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent.

ACCOUNT OF CONTRIBUTION; SEGREGATED FUNDS

(b)(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of $50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of $50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

RECORDKEEPING

(c) The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of $50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or canceled check for each disbursement in excess of $200.

PRESERVATION OF RECORDS AND COPIES OF REPORTS

(d) The treasurer shall preserve all records required to be kept by this section and copies of all reports required to be filed by this subchapter for 3 years after the report is filed.

PRINCIPAL AND ADDITIONAL CAMPAIGN COMMITTEES; DESIGNATIONS, STATUS OF CANDIDATE, AUTHORIZED COMMITTEES, ETC.

(e)(1) Each candidate for Federal office (other than the nominee for the office of Vice President) shall designate in writing a political committee in accordance with paragraph (3) to serve as the principal campaign committee of such candidate. Such designation shall be made no later than 15 days after becoming a candidate. A candidate may designate additional political committees in accordance with paragraph (3) to serve as authorized committees of such candidate. Such designation shall be in writing and filed with the principal campaign committee of such candidate in accordance with subsection (f)(1) of this section.

(2) Any candidate described in paragraph (1) who receives a contribution, or any loan for use in connection with the campaign of such candidate for election, or makes a disbursement in connection with such campaign, shall be considered, for purposes of this Act, as having received the contribution or loan, or as having made the disbursement, as the case may be, as an agent of the authorized committee or committees of such candidate.

(3)(A) No political committee which supports or has supported more than one candidate may be designated as an authorized committee, except that—

(i) the candidate for the office of President nominated by a political party may designate the national committee of such political party as a principal campaign committee, but only if that national committee maintains separate books of account with respect to its function as a principal campaign committee; and

(ii) candidates may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee.

(B) As used in this section, the term "support" does not include a contribution by any authorized committee in amounts of $1,000 or less to an authorized committee of any other candidate.

(4) The name of each authorized committee shall include the name of the candidate who authorized such committee under paragraph (1). In the case of any political committee which is not an authorized committee, such political committee shall not include the name of any candidate in its name.

(5) The name of any separate segregated fund established pursuant to section 441b(b) of this title shall include the name of its connected organization.

FILING WITH AND RECEIPT OF DESIGNATIONS, STATEMENTS, AND REPORTS BY PRINCIPAL CAMPAIGN COMMITTEE

(f)(1) Notwithstanding any other provision of this Act, each designation, statement, or report of receipts or disbursements made by an authorized committee of a candidate shall be filed with the candidate's principal campaign committee.

(2) Each principal campaign committee shall receive all designations, statements, and reports required to be filed with it under paragraph (1) and shall compile and file such designations, statements, and reports in accordance with this Act.

FILING WITH AND RECEIPT OF DESIGNATIONS, STATEMENTS, AND REPORTS BY CLERK OF HOUSE OF REPRESENTATIVES OR SECRETARY OF SENATE; FORWARDING TO COMMISSION; FILING REQUIREMENTS WITH COMMISSION; PUBLIC INSPECTION AND PRESERVATION OF DESIGNATIONS, ETC.

(g)(1) Designations, statements, and reports required to be filed under this Act by a candidate or by an authorized committee of a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress, and by the principal campaign committee of such a candidate, shall be filed with the Clerk of the House of Representatives, who shall receive such designations, statements, and reports as custodian for the Commission.

(2) Designations, statements, and reports required to be filed under this Act by a candidate for the office of Senator, and by the principal campaign committee of such candidate, shall be filed with the Secretary of the Senate, who shall receive such designations, statements, and reports, as custodian for the Commission.

(3) The Clerk of the House of Representatives and the Secretary of the Senate shall forward a copy of any designation, statement, or report filed with them under this subsection to the Commission as soon as possible (but no later than 2 working days) after receiving such designation, statement, or report.

(4) All designations, statements, and reports required to be filed under this Act, except designations, statements, and reports filed in accordance with paragraphs (1) and (2), shall be filed with the Commission.

(5) The Clerk of the House of Representatives and the Secretary of the Senate shall make the designations, statements, and reports received under this subsection available for public inspection and copying in the same manner as the Commission under section 438(a)(4) of this title, and shall preserve such designations, statements, and reports in the same manner as the Commission under section 438(a)(5) of this title.

CAMPAIGN DEPOSITORIES; DESIGNATIONS, MAINTENANCE OF ACCOUNTS, ETC.; PETTY CASH FUND FOR DISBURSEMENTS; RECORD OF DISBURSEMENTS

(h)(1) Each political committee shall designate one or more State banks, federally chartered depository institutions, or depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration, as its campaign depository or depositories. Each political committee shall maintain at least one checking account and such other accounts as the committee determines at a depository designated by such committee. All receipts received by such committee shall be deposited in such accounts. No disbursements may be made (other than petty cash disbursements under paragraph (2)) by such committee except by check drawn on such accounts in accordance with this section.

(2) A political committee may maintain a petty cash fund for disbursements not in excess of $100 to any person in connection with a single purchase or transaction. A record of all petty cash disbursements shall be maintained in accordance with subsection (c)(5) of this section.

(i) When the treasurer of a political committee shows that best efforts have been used to obtain, maintain, and submit the information required by this Act for the political committee, any report or any records of such committee shall be considered in compliance with this Act or chapter 95 or chapter 96 of Title 26.

As amended Pub.L. 96-187, Title I, § 102, Jan. 8, 1980, 93 Stat. 1345.

2 U.S.C. § 433. Registration of political committees—Statements of organizations

(a) Each authorized campaign committee shall file a statement of organization no later than 10 days after designation pursuant to section 432(e)(1) of this title. Each separate segregated fund established under the provisions of section 441b(b) of this title shall file a statement of organization no later than 10 days after establishment. All other committees shall file a statement of organization within 10 days after becoming a political committee within the meaning of section 431(4) of this title.

CONTENTS OF STATEMENTS

(b) The statement of organization of a political committee shall include—

(1) the name, address, and type of committee;

(2) the name, address, relationship, and type of any connected organization of affiliated committee;

(3) the name, address, and position of the custodian of books and accounts of the committee;

(4) the name and address of the treasurer of the committee;

(5) if the committee is authorized by a candidate, the name, address, office sought, and party affiliation of the candidate; and

(6) a listing of all banks safety deposit boxes, or other depositories used by the committee.

CHANGE OF INFORMATION IN STATEMENTS

(c) Any change in information previously submitted in a statement of organization shall be reported in accordance with section 432(g) of this title no later than 10 days after the date of the change.

TERMINATION, ETC., REQUIREMENTS AND AUTHORITIES

(d)(1) A political committee may terminate only when such a committee files a written statement, in accordance with section 432(g) of this title, that it will no longer receive any contributions or make any disbursements and that such committee has no outstanding debts or obligations.

(2) Nothing contained in this subsection may be construed to eliminate or limit the authority of the Commission to establish procedures for—

(A) the determination of insolvency with respect to any political committee;

(B) the orderly liquidation of an insolvent political committee, and the orderly application of its assets for the reduction of outstanding debts; and

(C) the termination of an insolvent political committee after such liquidation and application of assets.

As amended Pub. L. 96-187, Title I, § 103, Jan. 8, 1980, 93 Stat. 1347.

2 U.S.C. § 434. Reporting requirements—Receipts and disbursements by treasurers of political committees; filing requirements

(a)(1) Each treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

(2) If the political committee is the principal campaign committee of a candidate for the House of Representatives or for the Senate—

(A) in any calendar year during which there is regularly scheduled election for which such candidate is seeking election, or nomination for election, the treasurer shall file the following reports:

(i) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which such candidate is seeking election, or nomination for election, and which shall be complete as of the 20th day before such election;

(ii) a post-general election report, which shall be filed no later than the 30th day after any general election in which such candidate has sought election, and which shall be complete as of the 20th day after such general election; and

(iii) additional quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter, and which shall be complete as of the last day of each calendar quarter: except that the report for the quarter ending December 31 shall be filed no later than January 31 of the following calendar year; and

(B) in any other calendar year the following reports shall be filed:

(i) a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31; and

(ii) a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year.

(3) If the committee is the principal campaign committee of a candidate for the office of President—

(A) in any calendar year during which a general election is held to fill such office—

(i) the treasurer shall file monthly reports if such committee has on January 1 of such year, received contributions aggregating $100,000 or made expenditures aggregating $100,000 or anticipates receiving contributions aggregating $100,000 or more or making expenditures aggregating $100,000 or more during such year; such monthly reports shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year;

(ii) the treasurer of the other principal campaign committees of a candidate for the office of President shall file a pre-election report or reports in accordance with paragraph (2)(A)(i), a post-general election report in accordance with paragraph (2)(A)(ii), and quarterly reports in accordance with paragraph (2)(A)(iii); and

(iii) if at any time during the election year a committee filing under paragraph (3)(A)(ii) receives contributions in excess of $100,000 or makes expenditures in excess of $100,000, the treasurer shall begin filing monthly reports under paragraph (3)(A)(i) at the next reporting period; and

(B) in any other calendar year, the treasurer shall file either—

(i) monthly reports, which shall be filed no later than the 20th day after the last day of each month and shall be complete as of the last day of the month; or

(ii) quarterly reports, which shall be filed no later than the 15th day after the last day of each calendar quarter and which shall be complete as of the last day of each calendar quarter.

(4) All political committees other than authorized committees of a candidate shall file either—

(A)(i) quarterly reports, in a calendar year in which a regularly scheduled general election is held, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year;

(ii) a pre-election report, which shall be filed no later than the 12th day before (or posted by registered or certified mail no later than the 15th day before) any election in which the committee makes a contribution to or expenditure on behalf of a candidate in such election, and which shall be complete as of the 20th day before the election;

(iii) a post-general election report, which shall be filed no later than the 30th day after the general election and which shall be complete as of the 20th day after such general election; and

(iv) in any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year; or

(B) monthly reports in all calendar years which shall be filed no later than the 20th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.

(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii)) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

(6)(A) The principal campaign committee of a candidate shall notify the Clerk, the Secretary, or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of $1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. This notification shall be made within 48 hours after the receipt of such contribution and shall include the name of the candidate and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

(7) The reports required to be filed by this subsection shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward.

(8) The requirement for a political committee to file a quarterly report under paragraph (2)(A)(iii) or paragraph (4)(A)(i) shall be waived if such committee is required to file a pre-election report under paragraph (2)(A)(i), or paragraph (4)(A)(ii) during the period beginning on the 5th day after the close of the calendar quarter and ending on the 15th day after the close of the calendar quarter.

(9) The Commission shall set filing dates for reports to be filed by principal campaign committees of candidates seeking election, or nomination for election, in special elections and political committees filing under paragraph (4)(A) which make contributions to or expenditures on behalf of a candidate or candidates in special elections. The Commission shall require no more than one pre-election report for each election and one post-election report for the election which fills the vacancy. The Commission may waive any reporting obligation of committees required to file for special elections if any reporting required by paragraph (2) or (4) is required to be filed within 10 days of a report required under this subsection. The Commission shall establish the reporting dates within 5 days of the setting of such election and shall publish such dates and notify the principal campaign committees of all candidates in such election of the reporting dates.

(10) The treasurer of a committee supporting a candidate for the office of Vice President (other than the nominee of a political party) shall file reports in accordance with paragraph (3).

CONTENTS OF REPORTS

(b) Each report under this section shall disclose—

(1) The amount of cash on hand at the beginning of the reporting period;

(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

(A) contributions from persons other than political committees;

(B) for an authorized committee, contributions from the candidate;

(C) contributions from political party committees;

(D) contributions from other political committees;

(E) for an authorized committee, transfers from other authorized committees of the same candidate;

(F) transfers from affiliated committees and, where the reporting committee is a political party committee, transfers from other political party committees, regardless of whether such committees are affiliated;

(G) for an authorized committee, loans made by or guaranteed by the candidate;

(H) all other loans;

(I) rebates, refunds, and other offsets to operating expenditures;

(J) dividends, interest, and other forms of receipts; and

(K) for an authorized committee of a candidate for the office of President, Federal funds received under chapter 95 and chapter 96 of Title 26;

(3) the identification of each—

(A) person (other than a political committee) who makes a contribution to the reporting committee during the reporting period, whose contribution or contributions have an aggregate amount or value in excess of $200 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution;

(B) political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

(C) authorized committee which makes a transfer to the reporting committee;

(D) affiliated committee which makes a transfer to the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds to the reporting committee from another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfer;

(E) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan;

(F) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of such receipt; and

(G) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt;

(4) for the reporting period and the calendar year, the total amount of all disbursements, and all disbursements in the following categories:

(A) expenditures made to meet candidate or committee operating expenses;

(B) for authorized committees, transfers to other committees authorized by the same candidate;

(C) transfers to affiliated committees and, where the reporting committee is a political party committee, transfers to other political party committees, regardless of whether they are affiliated;

(D) for an authorized committee, repayment of loans made by or guaranteed by the candidate;

(E) repayment of all other loans;

(F) contribution refunds and other offsets to contributions;

(G) for an authorized committee, any other disbursements;

(H) for any political committee other than an authorized committee—

(i) contributions made to other political committees;

(ii) loans made by the reporting committees;

(iii) independent expenditures;

(iv) expenditures made under section 441a(d) of this title;

(v) any other disbursements; and

(I) for an authorized committee of a candidate for the office of President, disbursements not subject to the limitation of section 441a(b) of this title;

(5) the name and address of each—

(A) person to whom an expenditure in an aggregate amount or value in excess of $200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure;

(B) authorized committee to which a transfer is made by the reporting committee;

(C) affiliated committee to which a transfer is made by the reporting committee during the reporting period and, where the reporting committee is a political party committee, each transfer of funds by the reporting committee to another political party committee, regardless of whether such committees are affiliated, together with the date and amount of such transfers;

(D) person who receives a loan repayment from the reporting committee during the reporting period, together with the date and amount of such loan repayment; and

(E) person who receives a contribution refund or other offset to contributions from the reporting committee where such contribution was reported under paragraph (3)(A) of this subsection, together with the date and amount of such disbursement;

(6)(A) for an authorized committee, the name and address of each person who has received any disbursement not disclosed under paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of any such disbursement;

(B) for any other political committee, the name and address of each—

(i) political committee which has received a contribution from the reporting committee during the reporting period, together with the date and amount of any such contribution;

(ii) person who has received a loan from the reporting committee during the reporting period, together with the date and amount of such loan;

(iii) person who receives any disbursement during the reporting period in an aggregate amount or value in excess of $200 within the calendar year in connection with an independent expenditure by the reporting committee, together with the date, amount, and purpose of any such independent expenditure and a statement which indicates whether such independent expenditure is in support of, or in opposition to, a candidate, as well as the name and office sought by such candidate, and a certification, under penalty of perjury, whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such committee;

(iv) persons who receives any expenditure from the reporting committee during the reporting period in connection with an expenditure under section 441a(d) of this title, together with the date, amount, and purpose of any such expenditure as well as the name of, and office sought by, the candidate on whose behalf the expenditure is made; and

(v) person who has received any disbursement not otherwise disclosed in this paragraph or paragraph (5) in an aggregate amount or value in excess of $200 within the calendar year from the reporting committee within the reporting period, together with the date, amount, and purpose of any such disbursement;

(7) the total sum of all contributions to such political committee, together with the total contributions less offsets to contributions and the total sum of all operating expenditures made by such political committee, together with total operating expenditures less offsets to operating expenditures, for both the reporting period and the calendar year; and

(8) the amount and nature of oustanding debts and obligations owed by or to such political committee; and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished and the consideration therefor.

STATEMENTS BY OTHER THAN POLITICAL COMMITTEES; FILING; CONTENTS; INDICES OF EXPENDITURES

(c)(1) Every person (other than a political committee) who makes independent expenditures in an aggregate amount or value in excess of $250 during a calendar year shall file a statement containing the information required under subsection (b)(3)(A) of this section for all contributions received by such person.

(2) Statements required to be filed by this subsection shall be filed in accordance with subsection (a)(2) of this section, and shall include—

(A) the information required by subsection (b)(6)(B)(iii) of this section, indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved;

(B) under penalty of perjury, a certification whether or not such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(C) the identification of each person who made a contribution in excess of $200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.

Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made. Such statement shall be filed with the Clerk, the Secretary, or the Commission and the Secretary of State and shall contain the information required by subsection (b)(6)(B)(iii) of this section indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all independent expenditures separately, including those reported under subsection (b)(6)(B)(iii) of this section, made by or for each candidate, as reported under this subsection, and for periodically publishing such indices on a timely pre-election basis.

As amended Pub. L. 96-187, Title I, §104, Jan. 8, 1980, 93 Stat. 1348.

Disclosures

Constitutionality was affirmed in part, reversed in part on other grounds, *Buckley* v. *Valeo*, 424 U.S. 1 (1976)

Advertisement reporting requirement

It was determined that the Central Long Island Tax Reform Immediately Committee (CLITRIM), a part of a national network of TRIM committees established by the John Birch Society, Inc., was not required to comply with the filing requirements of the FECA because their Bulletin of Fall 1976, did not come within the statutory definition of a communication expressly advocating the election or defeat of a candidate; terms such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," and "reject," were not used. *FEC* v. *Central Long Island Tax Reform Immediately Committee*, 616 F.2d 45 (2d Cir. 1980).

2 U.S.C. §§ 435, 436. Repealed. Pub. L. 96-187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1354

2 U.S.C. § 437. Reports on convention financing

Each committee or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within 60 days following the end of the convention (but not later than 20 days prior to the date on which presidential and vice-presidential electors are chosen), file with the Commission a full and complete financial statement, in such form and detail as it may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

Pub. L. 92-225, Title III, § 305, formerly § 307, Feb. 7, 1972, 86 Stat. 16; Pub. L. 93-443, Title II, § 208(c)(6), Oct. 15, 1974, 88 Stat. 1286, renumbered and amended Pub. L. 96-187, Title I, §§ 105(2), 112(a), Jan. 8, 1980, 93 Stat. 1354, 1366.

2 U.S.C. § 437a, Reports By Certain Persons, was repealed by Pub. L. 94-283, Title I, § 105, May 11, 1976, 90 Stat. 481.

2 U.S.C. § 437b, Campaign Depositories, was stricken by Pub. L. 96-187, Title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354.

2 U.S.C. § 437c. Federal Election Commission—Establishment; membership; term of office; vacancies; qualifications; compensation; chairman and vice chairman

(a)(1) There is established a commission to be known as the Federal Election Commission. The Commission is composed of the Secretary of the Senate and the Clerk of the House of Representatives or their designees, ex officio and without the right to vote, and 6 members appointed by the President, by and with the advice and consent of the Senate. No more than 3 members of the Commission appointed under this paragraph may be affiliated with the same political party.

(2)(A) Members of the Commission shall serve for terms of 6 years, except that of the members first appointed—

(i) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1977;

(ii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1979; and

(iii) two of the members, not affiliated with the same political party, shall be appointed for terms ending on April 30, 1981.

(B) A member of the Commission may serve on the Commission after the expiration of his or her term until his or her successor has taken office as a member of the Commission.

(C) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he or she succeeds.

(D) Any vacancy occurring in the membership of the Commission shall be filled in the same manner as in the case of the original appointment.

(3) Members shall be chosen on the basis of their experience, integrity, impartiality, and good judgment and members (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees in the executive, legislative, or judicial branch of the Federal Government. Such members of the Commission shall not engage in any other business, vocation, or employment. Any individual who is

engaging in any other business, vocation, or employment at the time of his or her appointment to the Commission shall terminate or liquidate such activity no later than 90 days after such appointment.

(4) Members of the Commission (other than the Secretary of the Senate and the Clerk of the House of Representatives) shall receive compensation equivalent to the compensation paid at level IV of the Executive Schedule (section 5315 of Title 5).

(5) The Commission shall elect a chariman and a vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House of Representatives) for a term of one year. A member may serve as chairman only once during any term of office to which such member is appointed. The chairman and the vice chairman shall not be affiliated with the same political party. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in such office.

ADMINISTRATION, ENFORCEMENT, AND FORMULATION OF POLICY; EXCLUSIVE JURISDICTION OF CIVIL ENFORCEMENT; CONGRESSIONAL AUTHORITIES OR FUNCTIONS WITH RESPECT TO ELECTIONS FOR FEDERAL OFFICE

(b)(1) The Commission shall administer, seek to obtain compliance with, and formulate policy with respect to, this Act and chapter 95 and chapter 96 of Title 26. The Commission shall have exclusive jurisdiction with respect to the civil enforcement of such provisions.

(2) Nothing in this Act shall be construed to limit, restrict, or diminish any investigatory, informational, oversight, supervisory, or disciplinary authority or function of the Congress or any committee of the Congress with respect to elections for Federal office.

VOTING REQUIREMENTS; DELEGATION OF AUTHORITIES

(c) All decisions of the Commission with respect to the exercise of its duties and powers under the provisions of this Act shall be made by a majority vote of the members of the Commission. A member of the Commission may not delegate to any person his or her vote or any decision-making authority or duty vested in the Commission by the provisions of this Act, except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to take any action in accordance with paragraph (6), (7), (8), or (9) of section 437d(a) of this title or with chapter 95 or chapter 96 of Title 26.

MEETINGS

(d) The Commission shall meet at least once each month and also at the call of any member.

RULES FOR CONDUCT OF ACTIVITIES; JUDICIAL NOTICE OF SEAL; PRINCIPAL OFFICE

(e) The Commission shall prepare written rules for the conduct of its activities, shall have an official seal which shall be judicially noticed, and shall have its principal office in or near the District of

Columbia (but it may meet or exercise any of its powers anywhere in the United States).

STAFF DIRECTOR AND GENERAL COUNSEL; APPOINTMENT AND COMPENSATION; APPOINTMENT AND COMPENSATION OF PERSONNEL AND PROCUREMENT OF INTERMITTENT SERVICES BY STAFF DIRECTOR; USE OF ASSISTANCE, PERSONNEL, AND FACILITIES OF FEDERAL AGENCIES AND DEPARTMENTS; COUNSEL FOR DEFENSE OF ACTIONS

(f)(1) The Commission shall have a staff director and a general counsel who shall be appointed by the Commission. The staff director shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule (section 5315 of Title 5). The general counsel shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (section 5316 of Title 5). With the approval of the Commission, the staff director may appoint and fix the pay of such additional personnel as he or she considers desirable without regard to the provisions of Title 5, governing appointments in the competitive service.

(2) With the approval of the Commission, the staff director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of Title 5, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (section 5332 of Title 5).

(3) In carrying out its responsibilities under this Act, the Commission shall, to the fullest extent practicable, avail itself of the assistance, including personnel and facilities of other agencies and departments of the United States. The heads of such agencies and departments may make available to the Commission such personnel, facilities, and other assistance, with or without reimbursement, as the Commission may request.

(4) Notwithstanding the provisions of paragraph (2) the Commission is authorized to appear in and defend against any action instituted under this Act, either (A) by attorneys employed in it's office, or (B) by counsel whom it may appoint, on a temporary basis as may be necessary for such purpose, without regard to the provisions of Title 5, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title. The compensation of counsel so appointed on a temporary basis shall be paid out of any funds otherwise available to pay the compensation of employees of the Commission.

Pub. L. 92-225, Title III, § 306, formerly § 310, as added Pub. L. 93-443, Title II, § 208(a), Oct. 15, 1974, 88 Stat. 1280, renumbered § 309, and amended Pub. L. 94-283, Title I, §§ 101(a)-(d), 105, May 11, 1976, 90 Stat. 475, 476, 481, renumbered § 306 and amended Pub. L. 96-187, Title I, §§ 105(3), (6), 112(b), Jan. 8, 1980, 93 Stat. 1354, 1366.

Constitutionality

Affirmed in part, reversed in part on other on other ground. *Buckley* v. *Valeo,* 424 U.S. 1 (1976).

2 U.S.C. § 437d. Powers of Commission—Specific authorities

(a) The Commission has the power—

(1) to require by special or general orders, any person to submit, under oath, such written reports and answers to questions as the Commission may prescribe;

(2) to administer oaths or affirmations;

(3) to require by subpena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileages as are paid in like circumstances in the courts of the United States;

(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 437g(a)(8) of this title) or appeal any civil action in the name of the Commission to enforce the provisions of this Act and chapter 95 and chapter 96 of Title 26, through its general counsel;

(7) to render advisory opinions under section 437f of this title;

(8) to develop such prescribed forms and to make, amend, and repeal such rules, pursuant to the provisions of chapter 5 of Title 5, as are necessary to carry out the provisions of this Act and chapter 95 and chapter 96 of Title 26; and

(9) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

JUDICIAL ORDERS FOR COMPLIANCE WITH SUBPENAS AND ORDERS OF COMMISSION; CONTEMPT OF COURT

(b) Upon petition by the Commission, any United States district court within the jurisdiction of which any inquiry is being carried on may, in case of refusal to obey a subpena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

CIVIL LIABILITY FOR DISCLOSURE OF INFORMATION

(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

CONCURRENT TRANSMISSIONS TO CONGRESS OR MEMBER OF BUDGET ESTIMATES, ETC.; PRIOR SUBMISSION OF LEGISLATIVE RECOMMENDATIONS, TESTIMONY, OR COMMENTS ON LEGISLATION

(d)(1) Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

(2) Whenever the Commission submits any legislative recommendation, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

EXCLUSIVE CIVIL REMEDY FOR ENFORCEMENT

(e) Except as provided in section 437g(a)(8) of this title, the power of the Commission to initiate civil actions under subsection (a)(6) of this section shall be the exclusive civil remedy for the enforcement of the provisions of this Act.

Pub. L. 92-225, Title III, § 307, formerly § 311, as added Pub. L. 93-443, Title II, § 208(a), Oct. 15, 1974, 88 Stat. 1282, renumbered § 310 and amended Pub. L. 94-283, Title I, §§ 105, 107, 115(b), May 11, 1976, 90 Stat. 481, 482, 495, renumbered § 307 and amended Pub. L. 96-187, Title I, §§ 105(3), 106, Jan. 8, 1980, 93 Stat. 1354, 1356.

Investigations

FEC Investigation into the limited question of whether, in disseminating certain video tapes of a computer reenactment of an accident involving a candidate to major media outlets by the Reader's Digest Association, Inc., so as to determine whether the press exemption of the Act was applicable, was not enjoined. *Reader's Digest Association, Inc.* v. *FEC*, 509 F. Supp. 1210 (S.D. N.Y. 1981).

The defendants waived their right to substantiate their allegations that the FEC was harassing them by not requesting an opportunity to substantiate these allegations. *Comm. to Elect Lyndon LaRouche* v. *FEC*, 613 F.2d 849 (1979), *cert. denied*, 444 U.S. 1074 (1980).

The Justice Department may investigate and prosecute willful violations prior to exhaustion of the FEC's investigative and conciliatory efforts. *U. S.* v. *Intern. Union of Operating Engineers, Local 701*, 638 F.2d 1161 (9th Cir.), *cert. denied*, 444 U.S. 1077 (1979).

2 U.S.C. § 437e, Reports, was stricken by Pub. L. 96-187, Title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354

2 U.S.C. § 437f. Advisory opinions—Requests by persons, candidates, or authorized committees; subject matter; time for response

(a)(1) Not later than 60 days after the Commission receives from a person a complete written request concerning the application of this Act, chapter 95 or chapter 96 of Title 26, or a rule or regulation prescribed by the Commission, with respect to a specific transaction or activity by the person, the Commission shall render a written advisory opinion relating to such transaction or activity to the person.

(2) If an advisory opinion is requested by a candidate, or any authorized committee of such candidate, during the 60-day period before any election for Federal office involving the requesting party, the Commission shall render a written advisory opinion relating to such request no later than 20 days after the Commission receives a complete written request.

PROCEDURES APPLICABLE TO INITIAL PROPOSAL OF RULES OR REGULATIONS, AND ADVISORY OPINIONS

(b) Any rule of law which is not stated in this Act or in chapter 95 or chapter 96 of Title 26 may be initially proposed by the Commission only as a rule or regulation pursuant to procedures established in section 438(d) of this title. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

PERSONS ENTITLED TO RELY UPON OPINIONS; SCOPE OF PROTECTION FOR GOOD FAITH RELIANCE

(c)(1) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by

(A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Notwithstanding any other provisions of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (1) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of Title 26.

REQUESTS MADE PUBLIC; SUBMISSION OF WRITTEN COMMENTS BY INTERESTED PUBLIC

(d) The Commission shall make public any request made under subsection (a) for an advisory opinion. Before rendering an advisory opinion, the Commission shall accept written comments submitted by any interested party within the 10-day period following the date the request is made public.

Pub. L. 92–225, Title III, § 308, formerly § 313, as added Pub. L. 93–443, Title II, § 208(a), Oct. 15, 1974, 88 Stat. 1283, renumbered § 312 and amended Pub. L. 94–283, Title I, §§ 105, 108(a), May 11, 1976, 90 Stat. 481, 482, renumbered § 308 and amended Pub. L. 96–187, Title I, §§ 105(4), 107(a), Jan. 8, 1980, 93 Stat. 1354, 1357.

Advisory opinion challenged

Appellants had standing to challenge an advisory opinion issued by the FEC because interested parties had not been afforded an adequate opportunity to comment on the opinion before its issuance. *National Conservative Political Action Committee* v. *FEC*, 626 F.2d 953 (D.C. Cir. (1980)).

2 U.S.C. § 437g. Enforcement—Administrative and judicial practice and procedure

(a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of Title 26 has occurred, may file a complaint with the Commission. Such complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of Title 18. Within 5 days after receipt of a complaint, the Commission shall notify, in writing, any person alleged in the complaint to have committed such a violation. Before the Commission conducts any vote on the complaint, other than a vote to dismiss, any person so notified shall have the opportunity to demonstrate, in writing, to the Commission within 15 days after notification that no action should be taken against such person on the basis of the complaint. The Commission may not conduct any investigation or take any other action under this section solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) If the Commission, upon receiving a complaint under paragraph (1) or on this basis of information ascertained in the normal course of carrying out its supervisory responsibilities, determines, by an affirmative vote of 4 of its members, that it has reason to believe that a person has committed, or is about to commit, a violation of this Act or chapter 95 or chapter 96 of Title 26, the Commission shall, through its chairman or vice chairman, notify the person of the alleged violation. Such notification shall set forth the factual basis for such alleged violation. The Commission shall make an investigation of such alleged violation, which may include a field investigation or audit, in accordance with the provisions of this section.

(3) The general counsel of the Commission shall notify the respondent of any recommendation to the Commission by the general counsel to proceed to a vote on probable cause pursuant to paragraph (4)(A)(i). With such notification, the general counsel shall include a brief stating the position of the general counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, respondent may submit a brief stating the position of such respondent on the legal and factual issues of the case, and replying to the brief of general counsel. Such briefs shall be filed with the Secretary of the Commission and shall be considered by the Commission before proceeding under paragraph (4).

(4)(A)(i) Except as provided in clause (ii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of Title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

(B)(i) No action by the Commission or any person, and no information derived, in connection with any conciliation attempt by the Commission under subparagraph (A) may be made public by the Commission without the written consent of the respondent and the Commission.

(ii) If a conciliation agreement is agreed upon by the Commission and the respondent, the Commission shall make public any conciliation agreement signed by both the Commission and the respondent. If the Commission makes a determination that a person has not violated this Act or chapter 95 or chapter 96 of Title 26, the Commission shall make public such determination.

(5)(A) If the Commission believes that a violation of this Act or of chapter 95 of chapter 96 of Title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation.

(B) If the Commission believes that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of Title 26 has been committed, a conciliation agreement entered into by the Commission under paragraph (4)(A) may require that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

(C) If the Commission by an affirmative vote of 4 of its members, determines that there is probably cause to believe that a knowing and willful violation of this Act which is subject to subsection (d) of this section or a knowing and willful violation of chapter 95 or chapter 96 of Title 26, has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in paragraph (4)(A).

(D) In any case in which a person has entered into a conciliation agreement with the Commission under paragraph (4)(A), the Commission may institute a civil action for relief under paragraph (6)(A) if it believes that the person has violated any provision of such conciliation agreement. For the Commission to obtain relief in any civil action, the Commission need only establish that the person has violated, in whole or in part, any requirement of such conciliation agreement.

(6)(A) If the Commission is unable to correct or prevent any violation of this Act or of chapter 95 or chapter 96 of Title 26, by the methods specified in paragraph (4)(A), the Commission may, upon an affirmative vote of 4 of its members, institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order (including an order for a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation) in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(B) In any civil action instituted by the Commission under subparagraph (A), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation, upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 or chapter 96 of Title 26.

(C) In any civil action for relief instituted by the Commission under subparagraph (A), if the court determines that the Commission has established that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of Title 26, the court may impose a civil penalty which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation.

(7) In any action brought under paragraph (5) or (6), subpenas for witnesses who are required to attend a United States district court may run into any other district.

(8)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure of the Commission to act on such complaint during the 120-day period beginning on the date the complaint is filed, may file a petition with the United States District Court for the District of Columbia.

(B) Any petition under subparagraph (A) shall be filed, in the case of a dismissal of a complaint by the Commission, within 60 days after the date of the dismissal.

(C) In any proceeding under this paragraph the court may declare that the dismissal of the complaint or the failure to act is contrary to law, and may direct the Commission to conform with such declaration within 30 days, failing which the complainant may bring, in the name of such complainant, a civil action to remedy the violation involved in the original complaint.

(9) Any judgment of a district court under this subsection may be appealed to the court of appeals, and the judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of Title 28.

(10) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection or under section 437h of this title).

(11) If the Commission determines after an investigation that any person has violated an order of the court entered in a proceeding brought under paragraph (6), it may petition the court for an order to hold such person in civil contempt, but if it believes the violation to be knowing and willful it may petition the court for an order to hold such person in criminal contempt.

(12)(A) Any notification or investigation made under this section shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(B) Any member or employee of the Commission, or any other person, who violates the provisions of subparagraph (A) shall be fined not more than $2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subparagraph (A) shall be fined not more than $5,000.

NOTICE TO PERSONS NOT FILING REQUIRED REPORTS PRIOR TO INSTITUTION OF ENFORCEMENT ACTION: PUBLICATION OF IDENTITY OF PERSONS AND UNFILED REPORTS

(b) Before taking any action under subsection (a) against any person who has failed to file a report required under section 434(a)(2)(A)(iii) of this title for the calendar quarter immediately preceding the election involved, or in accordance with section 434(a)(2)(A)(i) of this title, the Commission shall notify the person of such failure to file the required reports. If a satisfactory response is not received within 4 business days after the date of notification, the Commission shall, pursuant to section 438(a)(7) of this title, publish before the election the name of the person and the report such person has failed to file.

REPORTS BY ATTORNEY GENERAL OF APPARENT VIOLATIONS

(c) Whenever the Commission refers an apparent violation to the Attorney General, the Attorney General shall report to the Commission any action taken by the Attorney General regarding the apparent violation. Each report shall be transmitted within 60 days after the date the Commission refers an apparent violation, and every 30 days thereafter until the final disposition of the apparent violation.

PENALTIES; DEFENSES; MITIGATION OF OFFENSES

(d)(1)(A) Any person who knowingly and willfully commits a violation of any provision of this Act which involves the making, receiving, or reporting of any contribution or expenditure aggregating $2,000 or more during a calendar year shall be fined, or imprisoned for not more than one year, or both. The amount of this fine shall not exceed the greater of $25,000 or 300 percent of any contribution or expenditure involved in such violation.

(B) In the case of a knowing and willful violation of section 316(b)(3), the penalties set forth in this subsection shall apply to a violation involving an amount aggregating $250 or more during a calendar year. Such violation of section 441b(b)(3) of this title may incorporate a violation of section 441c(b), 441f, or 441g of this title.

(C) In the case of a knowing and willful violation of section 441h of this title, the penalties set forth in this subsection shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of $1,000 or more is involved.

(2) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of Title 26, any defendant may evidence their lack of knowledge or intent to commit the alleged violation by introducing as evidence a conciliation agreement entered into between the defendant and the Commission under subsection (a)(4)(A) of this section which specifically deals with the act or failure to act constituting such violation and which is still in effect.

(3) In any criminal action brought for a violation of any provision of this Act or of chapter 95 or chapter 96 of Title 26, the court before which such action is brought shall take into account, in weighing the seriousness of the violation and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(A) the specific act or failure to act which constitutes the violation for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under subparagraph (a)(4)(A);

(B) the conciliation agreement is in effect; and

(C) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement.

Pub. L. 92-225, Title III, § 309, formerly § 314, as added Pub. L. 93-443, Title II, § 208(a), Oct. 15, 1974, 88 Stat. 1284, renumbered § 313 and amended Pub. L. 94-283, Title I, §§ 105, 109, May 11, 1976, 90 Stat. 481, 483, renumbered § 309 and amended Pub. L. 96-187, Title I, §§ 105(4), 108, Jan. 8, 1980, 93 Stat. 1354, 1358.

Civil Penalty

Though the relevant sections of the Act which were violated did not at the time of violation carry with it a "civil penalty" the ex post facto prohibition applies to "criminal punishment" and not "civil action." The penalties imposed by the FEC are held to be civil in nature *FEC* v. *Weinsten,* 462 F. Supp. 243 (S.D.N.Y. 1978).

Instituting civil action

The one exception to the exclusive power of the FEC to institute civil actions under the Act becomes available to a complainant when the FEC fails to obey a court directive *Walther* v. *Baucus,* 467 F. Supp. 93 (D. Mont. 1979).

Investigations

The court's refusal to enforce an FEC subpoena which ordered the Florida for Kennedy Committee to produce various documents was based on a need to balance the FEC's need for speedy investigation and the committee's first amendment rights. *FEC* v. *Florida for Kennedy Committee,* 492 F. Supp. 587 (S.D. Fla. 1980).

The court affirmed the FEC decision not to investigate charges that the AFL-CIO and its affiliated unions had violated federal restrictions on the amount that they could contribute to candidates for federal office because that decision was neither arbitrary or capricious. *In Re Federal Election Campaign Act Litigation,* 474 F. Supp. 1044 (D.D.C. 1979).

The court dissolved a protective order imposed on the FEC and allowed the Commission to disclose documents submitted to it during the course of an investigation after that investigation was terminated when the FEC and the Illinois Medical Political Action Committee entered into a conciliation agreement. *FEC* v. *Illinois Medical Political Action Committee*, 503 F. Supp. 45 (N.D. Ill. 1980).

2 U.S.C. §437h. Judicial review—Actions, including declaratory judgments, for construction of constitutional questions; eligible plaintiffs; certification of such questions to courts of appeals sitting en banc

(a) The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court of the United States, including actions for declaratory judgment, as may be appropriate to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality, of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

Pub. L. 92-225, Title III, §310, formerly §315, as added Pub. L. 93-443, Title II, §208(a), Oct. 15, 1974, 88 Stat. 1285, renumbered §314 and amended Pub. L. 94-283, Title I, §§105, 115(e), May 11, 1976, 90 Stat. 481, 496, renumbered §310 and amended Pub. L. 96-187, Title I, §§105(4), 112(c), Jan. 8, 1980, 93 Stat. 1354, 1366.

APPEAL TO SUPREME COURT; TIME FOR APPEAL

(b) Notwithstanding any other provision of law, any decision on a matter certified under subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeals shall be brought no later than 20 days after the decision of the court of appeals.

ADVANCEMENT ON APPELATE DOCKET AND EXPEDITED DISPOSITION OF CERTIFIED QUESTIONS

(c) It shall be the duty of the court of appeals and of the Supreme Court of the Untied States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a) of this section.

Pub. L. 92-225, Title III, §314, formerly §315, as added Pub. L. 93-443, Title II, §208(a), Oct. 15, 1974, 88 Stat. 1285, renumbered and amended Pub. L. 94-283, Title I, §§105, 115(e), May 11, 1976, 90 Stat. 481, 496.

Standing

There is no suggestion in the language or legislative history of this section which would indicate that Congress intended to limit the use of this provision to situations in which no section 437g enforcement proceedings are contemplated or underway. *California Medical Association* v. *FEC*, 453 U.S. —, 69 L.Ed.2d 567 (1981).

A political action committee was not eligible to seek review under this section; only the FEC, the national committee of any political party or any individual eligible to vote for President may bring an action to interpret the constitutionality of the Federal Election Campaign Act of 1971, as amended. *Martin Tractor Company* v. *FEC*, 627 F.2d 375 (1980), *cert. denied sub nom. National Chamber Alliance for Politics* v. *FEC*, 66 L.Ed.2d 218 (1980).

Judicial review under this section should not be confined to suits brought by the plaintiffs designated in the statute. *Bread Political Action Committee* v. *FEC*, 591 F.2d 29 (7th Cir. 1979). The plaintiff trade association subsequently filed suit under this section. *See Bread Political Action Committee* v. *FEC*, 635 F.2d 621 (7th Cir. 1980), appealed U.S. Sup. Ct., jur. postponed 7/2/81.

Despite the mandatory phrasing of the certification provision, district courts presented with complaints brought under this section need not automatically certify every constitutional question raised to the en banc court of appeals. *Mott* v. *FEC*, 494 F.Supp. 131 (1980).

2 U.S.C. § 438. Administrative provisions—Duties of Commission

(a) The Commission shall—

(1) prescribe forms necessary to implement this Act;

(2) prepare, publish, and furnish to all persons required to file reports and statements under this Act a manual recommending uniform methods of bookkeeping and reporting;

(3) develop a filing, coding, and cross-indexing system consistent with the purposes of this Act;

(4) within 48 hours after the time of the receipt by the Commission of reports and statements filed with it, make them available for public inspection, and copying, at the expense of the person requesting such copying, except that any information copied from such reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name, and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Clerk, Secretary, or the Commission shall exclude these lists from the public record;

(5) keep such designations, reports, and statements for a period of 10 years from the date of receipt, except that designations, reports, and statements that relate solely to candidates for the House of Representatives shall be kept for 5 years from the date of their receipt;

(6)(A) compile and maintain a cumulative index of designations, reports, and statements filed under this Act, which index shall be published at regular intervals and made available for purchase directly or by mail;

(B) compile, maintain, and revise a separate cumulative index of reports and statements filed by multi-candidate committees, including in such index a list of multi-candidate committees; and

(C) compile and maintain a list of multi-candidate committees, which shall be revised and made available monthly;

(7) prepare and publish periodically lists of authorized committees which fail to file reports as required by this Act;

(8) prescribe rules, regulations, and forms to carry out the provisions of this Act, in accordance with the provisions of subsection (d);

(9) transmit to the President and to each House of the Congress no later than June 1 of each year, a report which states in detail the activities of the Commission in carrying out its duties under this Act, and any recommendations for any legis-

lative or other action the Commission considers appropriate; and

(10) serve as a national clearinghouse for the compilation of information and review of procedures with respect to the administration of Federal elections. The Commission may enter into contracts for the purpose of conducting studies under this paragraph. Reports or studies made under this paragraph shall be available to the public upon the payment of the cost thereof, except that copies shall be made available without cost, upon request, to agencies and branches of the Federal Government.

AUDITS AND FIELD INVESTIGATIONS

(b) The Commission may conduct audits and field investigations of any political committee required to file a report under section 434 of this title. All audits and field investigations concerning the verification for, and receipt and use of, any payments received by a candidate or committee under chapter 95 or chapter 96 of Title 26 shall be given priority. Prior to conducting any audit under this subsection, the Commission shall perform an internal review of reports filed by selected committees to determine if the reports filed by a particular committee meet the threshold requirements for substantial compliance with the Act. Such thresholds for compliance shall be established by the Commission. The Commission may, upon an affirmative vote of 4 of its members, conduct an audit and field investigation of any committee which does meet the threshold requirements, established by the Commission. Such audit shall be commenced within 30 days of such vote, except that any audit of an authorized committee of a candidate, under the provisions of this subsection, shall be commenced within 6 months of the election for which such committee is authorized.

STATUTORY PROVISIONS APPLICABLE TO FORMS AND INFORMATION-GATHERING ACTIVITIES

(c) Any forms prescribed by the Commission under subsection (a)(1), and any information-gathering activities of the Commission under this Act, shall not be subject to the provisions of section 3512 of Title 44.

RULES, REGULATIONS, OR FORMS; ISSUANCE, PROCEDURES APPLICABLE, ETC.

(d)(1) Before prescribing any rule, regulation, or form under this section or any other provision of this Act, the Commission shall transmit a statement with respect to such rule, regulation, or form to the Senate and the House of Representatives, in accordance with this subsection. Such statement shall set forth the proposed rule, regulation, or form, and shall contain a detailed explanation and justification of it.

(2) If either House of the Congress does not disapprove by resolution any proposed rule or regulation submitted by the Commission under this section within 30 legislative days after the date of the receipt of such proposed rule or regulation or within 10 legislative

days after the date of receipt of such proposed form, the Commission may prescribe such rule, regulation, or form.

(3) For purposes of this subsection, the term "legislative day" means with respect to statements transmitted to the Senate, any calendar day on which the Senate is in session, and with respect to statements transmitted to the House of Representatives, any calendar day on which the House of Representatives is in session.

(4) For purposes of this subsection, the terms "rule" and "regulation" mean a provision or series of interrelated provisions stating a single, separable rule of law.

(5)(A) A motion to discharge a committee of the Senate from the consideration of a resolution relating to any such rule, regulation, or form or a motion to proceed to the consideration of such a resolution, is highly privileged and shall be decided without debate.

(B) Whenever a committee of the House of Representatives reports any resolution relating to any such form, rule or regulation, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and is not in order to move to reconsider the vote by which the motion is agreed to or disagreed with.

SCOPE OF PROTECTION FOR GOOD FAITH RELIANCE UPON RULES OR REGULATIONS

(e) Notwithstanding any other provision of law, any person who relies upon any rule or regulation prescribed by the Commission in accordance with the provisions of this section and who acts in good faith in accordance with such rule or regulation shall not, as a result of such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of Title 26.

PROMULGATION OF RULES, REGULATIONS, AND FORMS BY COMMISSION AND INTERNAL REVENUE SERVICE; REPORT TO CONGRESS ON COOPERATIVE EFFORTS

(f) In prescribing such rules, regulations, and forms under this section, the Commission and the Internal Revenue Service shall consult and work together to promulgate rules, regulations, and forms which are mutually consistent. The Commission shall report to the Congress annually on the steps it has taken to comply with this subsection.

Pub. L. 92-225, title III, §311, formerly §308, Feb. 7, 1972, 82 Stat. 16, renumbered §316 and amended Pub. L. 93-443, Title II, §§208(a), (c) (8)-(10), 209(a)(1), (b), Oct. 15, 1974, 88 Stat. 1279, 1286, 1287, renumbered §315 and amended Pub. L. 94-283, Title I, §§105, 110, May 11, 1976, 90 Stat. 481, 486, renumbered §311 and amended Pub. L. 96-187, Title I §§105(4), 109, Jan. 8, 1980, 93 Stat. 1354, 1362.

2 U.S.C. 439. Statements filed with State officers; "appropriate State" defined; duties of State officers

(a)(1) A copy of each report and statement required to be filed by any person under this Act shall be filed by such person with the

Secretary of State (or equivalent State officer) of the appropriate State, or, if different, the officer of such State who is charged by State law with maintaining State election campaign reports. The chief executive officer of such State shall designate any such officer and notify the Commission of any such designation.

(2) For purposes of this subsection, the term "appropriate State" means—

(A) for statements and reports in connection with the campaign for nomination for election of a candidate to the office of President or Vice President, each State in which an expenditure is made on behalf of the candidate; and

(B) for statements and reports in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, the State in which the candidate seeks election; except that political committees other than authorized committees are only required to file, and Secretaries of State required to keep, that portion of the report applicable to candidates seeking election in that State.

(b) The Secretary of State (or equivalent State officer), or the officer designated under subsection (a)(1) of this section, shall—

(1) receive and maintain in an orderly manner all reports and statements required by this Act to be filed therewith;

(2) keep such reports and statements (either in original filed form or in facsimile copy by microfilm or otherwise) for 2 years after their date of receipt;

(3) make each report and statement filed therewith available as soon as practicable (but within 48 hours of receipt) for public inspection and copying during regular business hours, and permit copying of any such report or statement by hand or by duplicating machine at the request of any person, except that such copying shall be at the expense of the person making the request; and

(4) compile and maintain a current list of all reports and statements pertaining to each candidate.

Pub. L. 92-225, Title III, § 314, formerly § 320, as added Pub. L. 93- renumbered § 317 and amended Pub. L. 93-443, Title II, § 208(a), (c)(11), Oct. 15, 1974, 88 Stat. 1279, 1287; renumbered § 316, Pub. L. 94-283, Title I, § 105, May 11, 1976, 90 Stat. 481, renumbered § 312 and amended Pub. L. 96-187, Title I, §§ 105(4), 110, Jan. 8, 1980, 93 Stat. 1354, 1365.

2 U.S.C. § 439a. Use of contributed amounts for certain purposes

Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used by such candidate or individual, as the case may be, to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office, may be contributed to any organization described in section 170(c) of Title 26, or may be used for any other lawful purpose, including transfers without limitation to any national, State, or local committee of any political party; except that, with respect to any individual who is not a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress on January 8, 1980, no such amounts may be converted by any person to any personal use, other than to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office.

Pub. L. 92-225, Title III, § 313, formerly § 318, as added Pub. L. 93-443, Title II, § 210, Oct. 15, 1974, 88 Stat. 1289, renumbered § 317, Pub. L. 94-283, Title I, § 105, May 11, 1976, 90 Stat. 481, renumbered § 313 and amended Pub. L. 96-187, Title I, §§ 105(4), 113, Jan. 8, 1980, 93 Stat. 1354, 1366.

2. U.S.C. § 439b, Prohibition of Franked Solicitations, was stricken by Pub. L. 96-187, Title I, § 105(a)(1), Jan. 8, 1980, 93 Stat. 1354

§ 439c. Authorization of appropriations

There are authorized to be appropriated to the Commission for the purpose of carrying out its functions under this Act, and under chapters 95 and 96 of Title 26, not to exceed $5,000,000 for the fiscal year ending June 30, 1975. There are authorized to be appropriated to the Commission $6,000,000 for the fiscal year ending June 30, 1976, $1,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $6,000,000 for the fiscal year ending September 30, 1977, $7,811,500 for the fiscal year ending September 30, 1978, and $9,400,000 (of which not more than $400,000 are authorized to be appropriated for the national clearinghouse function described in section 438(a)(10) of this title) for the fiscal year ending September 30, 1981.

Pub. L. 92-225, Title III, § 314, formerly § 320, as added Pub. L. 93-443, Title II, § 210, Oct. 15, 1974, 88 Stat. 1289, renumbered § 319 and amended Pub. L. 94-283, Title I, §§ 105, 113, May 11, 1976, 90 Stat. 481, 495, Pub. L. 95-127, Oct. 12, 1977, 91 Stat. 110, renumbered § 314, Pub. L. 96-187, Title I, §§ 105(5), Jan. 8, 1980, 93 Stat. 1354; Pub. L. 96-253, May 29, 1980, 94 Stat. 398.

2 U.S.C. § 440. [Repealed]

Pub. L. 93-443, Title I, § 101(f)(4), Oct. 15, 1974, 88 Stat. 1268. This section of Pub. L. 92-225, Title III, § 310, Feb. 7, 1972, 86 Stat. 19, related to prohibition of contributions in the name of another and is now covered by section 614(a) of Title 18, Crimes and Criminal Procedure. *Effective date of Repeal:* Jan. 1, 1975.

2 U.S.C. § 441. [Repealed]

Pub. L. 94-283, Title I, § 112(1), May 11, 1976, 90 Stat. 486.

2 U.S.C. § 441a. Limitations on contributions and expenditures—Dollar limits on contributions

(a)(1) No person shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $1,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(2) No multicandidate political committee shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to the political committees established and maintained by a national political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $15,000; or

(C) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

(3) No individual shall make contributions aggregating more than $25,000 in any calendar year. For purposes of this paragraph, any contribution made to a candidate in a year other than the calendar year in which the election is held with respect to which such contribution is made, is considered to be made during the calendar year in which such election is held.

(4) The limitations on contributions contained in paragraph (1) and (2) do not apply to transfers between and among political committees which are national, State, district, or local committees (including any subordinate committee thereof) of the same political party. For purposes of paragraph (2), the term "multicandidate political committee" means a political committee which has been registered under section 433 of this title for a period of not less than 6 months, which has received contributions from more than 50 persons, and, except for any State political party organization, has made contributions to 5 or more candidates for Federal office.

(5) For purposes of the limitations provided by paragraph (1) and paragraph (2), all contributions made by political committees established or financed or maintained or controlled by any corporation, labor organization, or any other person, including any parent, subsidiary, branch, division, department, or local unit of such corporation, labor organization, or any other person, or by any group of such persons, shall be considered to have been made by a single political committee, except that (A) nothing in this sentence shall limit transfers between political committees of funds raised through joint fund raising efforts; (B) for purposes of the limitations provided by paragraph (1) and paragraph (2) all contributions made by a single political committee established or financed or maintained or controlled by a national committee of a political party and by a single political committee established or financed or maintained or controlled by the State committee of a political party shall not be considered to have been made by a single political committee; and (C) nothing in this section shall limit the transfer of funds between the principal campaign committee of a candidate seeking nomination or election to a Federal office and the principal campaign committee of that candidate for nomination or election to another Federal office if (i) such transfer is not made when the candidate is actively seeking nomination or election to both such offices; (ii) the limitations contained in this Act on con-

tributions by persons are not exceeded by such transfer; and (iii) the candidate has not elected to receive any funds under chapter 95 or chapter 96 of Title 26. In any case in which a corporation and any of its subsidiaries, branches, divisions, departments, or local units, or a labor organization and any of its subsidiaries, branches, divisions, departments, or local units establish or finance or maintain or control more than one separate segregated fund, all such separate segregated funds shall be treated as a single separate segregated fund for purposes of the limitations provided by paragraph (1) and paragraph (2).

(6) The limitations on contributions to a candidate imposed by paragraphs (1) and (2) of this subsection shall apply separately with respect to each election, except that all elections held in any calendar year for the office of President of the United States (except a general election for such office) shall be considered to be one election.

(7) For purposes of this subsection—

(A) contributions to a named candidate made to any political committee authorized by such candidate to accept contributions on his behalf shall be considered to be contributions made to such candidate;

(B)(i) expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents, shall be considered to be a contribution to such candidate;

(ii) the financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered to be an expenditure for purposes of this paragraph; and

(C) contributions made to or for the benefit of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be contributions made to or for the benefit of the candidate of such party for election to the office of President of the United States.

(8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

DOLLAR LIMITS ON EXPENDITURES BY CANDIDATES FOR OFFICE OF PRESIDENT OF THE UNITED STATES

(b)(1) No candidate for the office of President of the United States who is eligible under section 9003 of Title 26 (relating to condition for eligibility for payments) or under section 9033 of Title 26 (relating to eligibility for payments) to receive payments from the Secretary of the Treasury may make expenditures in excess of—

(A) $10,000,000, in the case of a campaign for nomination for election to such office, except the aggregate of expenditures under this subparagraph in any one State shall not exceed the greater of 16 cents multiplied by the voting age population of the State (as certified under subsection (e)) of this section or $200,000; or

(B) $20,000,000 in the case of a campaign for election to such office.

(2) For purposes of this subsection—

(A) expenditures made by or on behalf of any candidate nominated by a political party for election to the office of Vice President of the United States shall be considered to be expenditures made by or on behalf of the candidate of such party for election to the office of President of the United States; and

(B) an expenditure is made on behalf of a candidate, including a vice presidential candidate, if it is made by—

(i) an authorized committee or any other agent of the candidate for purposes of making any expenditure; or

(ii) any person authorized or requested by the candidate, an authorized committee of the candidate, or an agent of the candidate, to make the expenditure.

INCREASES ON LIMITS BASED ON INCREASES IN PRICE INDEX

(c)(1) At the beginning of each calendar year (commencing in 1976) as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Commission and publish in the Federal Register the percent difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each limitation established by subsection (b) of this section and subsection (d) of this section shall be increased by such percent difference. Each amount so increased shall be the amount in effect for such calendar year.

(2) For purposes of paragraph (1)—

(A) the term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

(B) the term "base period" means the calendar year 1974.

EXPENDITURES BY NATIONAL COMMITTEE, STATE COMMITTEE, OR SUBORDINATE COMMITTEE OF STATE COMMITTEE IN CONNECTION WITH GENERAL ELECTION CAMPAIGN OF CANDIDATES FOR FEDERAL OFFICE

(d)(1) Notwithstanding any other provision of law with respect to limitations on expenditures or limitations on contributions, the national committee of a political party and a State committee of a political party, including any subordinate committee of a State committee, may make expenditures in connection with the general election campaign of candidates for Federal office, subject to the limitations contained in paragraphs (2) and (3) of this subsection.

(2) The national committee of a political party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds an amount equal to 2 cents multiplied by the voting age population of the United States (as certified under subsection (e) of this section). Any expenditure under this paragraph shall be in addition to any expenditure by a national committee of a political party serving as the principal campaign committee of a candidate for the office of President of the United States.

(3) The national committee of a political party, or a State committee of a political party, including any subordinate committee of a State committee, may not make any expenditure in connection with the general election campaign of a candidate for Federal office in a State who is affiliated with such party which exceeds—

(A) in the case of a candidate for election to the office of Senator, or a Representative from a State which is entitled to only one Representative, the greater of—

(i) 2 cents multiplied by the voting age population of the State (as certified under subsection (e) of this section); or

(ii) $20,000; and

(B) in the case of a candidate for election to the office of Representative, Delegate, or Resident Commissioner in any other State, $10,000.

CERTIFICATION AND PUBLICATION AND ESTIMATED VOTING AGE POPULATION

(e) During the first week of January 1975, and every subsequent year, the Secretary of Commerce shall certify to the Commission and publish in the Federal Register an estimate of the voting age population of the United States, of each State, and of each congressional district as of the first day of July next preceding the date of certification. The term "voting age population" means resident population, 18 years of age or older.

PROHIBITED CONTRIBUTIONS AND EXPENDITURES

(f) No candidate or political committee shall knowingly accept any contribution or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limitation imposed on contributions and expenditures under this section.

ATTRIBUTION OF MULTI-STATE EXPENDITURES TO CANDIDATE'S EXPENDITURE LIMITATION IN EACH STATE

(g) The Commission shall prescribe rules under which any expenditure by a candidate for presidential nominations for use in 2 or more States shall be attributed to such candidate's expenditure limitation in each such State, based on the voting age population in such State which can reasonably be expected to be influenced by such expenditure.

SENATORIAL CANDIDATES

(h) Notwithstanding any other provision of this Act, amounts totaling not more than $17,500 may be contributed to a candidate for nomination for election, or for election, to the United States Senate during the year in which an election is held in which he is such a candidate, by the Republican or Democratic Senatorial Campaign Committee, or the national committee of a political party, or any combination of such committees.

Pub. L. 92-225, Title III, § 320, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 487.

Contribution limits

There is nothing in the language of this section or in the legislative history of the Act which suggests that the Act's contribution limitations extend to pre-1975 campaign debts. *National Conservative Political Action Committee* v. *FEC*, 626 F.2d 953 (D.C. Cir. 1980).

The $5,000 contribution limit imposed on support of a political action committee by an unincorporated association is constitutional. *California Medical Association* v. *FEC*, 453 U.S. ——, 69 L.Ed.2d 567 (1981).

Whether two political committees, such as the political arm of the AFL-CIO and a political action committee of a member union, may be treated as a single political action committee for purposes of determining limits on contributions to political candidates, depends upon the degree of control one committee has over the other. *Walther* v. *FEC*, 468 F.Supp. 1235 (D.D.C. 1979).

Transfer of funds

The Supreme Court reversed the lower court in ruling that state political party committees may appoint a national committee as their agent for purposes of making expenditures in federal election campaigns. Since an agency agreement is not implicitly barred by the Federal Election Campaign Act of 1971, as amended, the FEC acted within its authority when it determined to permit such agreements. *FEC* v. *Democratic Senatorial Campaign Committee*, 454 U.S. ——, 50 L.W. 4001 (1981).

2 U.S.C. § 441b. Contributions or expenditures by national banks, corporations, or labor organizations

(a) It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization, to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person knowingly to accept or receive any contribution prohibited by this section, or any officer or any director of any corporation or any national bank or any officer of any labor organization to consent to any contribution or expenditure by the corporation, national bank, or labor organization, as the case may be, prohibited by this section.

(b)(1) For the purposes of this section the term "labor organization" means any organization of any kind, or any agency or employee representation committeee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(2) For purposes of this section and section 79*l*(h) of Title 15, the term "contribution or expenditure" shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section, but shall not include (A) communications by a corporation to its stockholders and executive or administrative personnel and their families or by a labor organization to its members and their families on any subject; (B) nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and executive or administrative personnel and their families, or by a labor organization aimed at its members and their families; and (C) the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation, labor organization, membership organization, cooperative, or corporation without capital stock.

(3) It shall be unlawful—

(A) for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisals; or by dues, fees, or other moneys required as a condition of membership in a labor organization or as a condition of employment, or by moneys obtained in any commercial transaction;

(B) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee of the political purposes of such fund at the time of such solicitation; and

(C) for any person soliciting an employee for a contribution to such a fund to fail to inform such employee, at the time of such solicitation, of his right to refuse to so contribute without any reprisal.

(4)(A) Except as provided in subparagraphs (B), (C), and (D), it shall be unlawful—

(i) for a corporation, or a separate segregated fund established by a corporation, to solicit contributions to such a fund from any person other than its stockholders and their families and its executive or administrative personnel and their families, and

(ii) for a labor organization, or a separate segregated fund established by a labor organization, to solicit contributions to such a fund from any person other than its members and their families.

(B) It shall be unlawful under this section for a corporation, a labor organization, or a separate segregated fund established by such corporation or such labor organization, to make 2 written solicitations for contributions during the calendar year from any stockholder, executive or administrative personnel, or employee of a corporation or the families of such persons. A solicitation under this subparagraph may be made only by mail addressed to stockholders, executive or administrative personnel, or employees at their residence and shall be so designed that the corporation, labor organization, or separate segregated fund conducting such solicitation cannot determine who makes a contribution of $50 or less as a result of such solicitation and who does not make such a contribution.

(C) This paragraph shall not prevent a membership organization, cooperative, or corporation without capital stock, or a separate segregated fund established by a membership organization, cooperative, or corporation without capital stock, from soliciting contributions to such a fund from members of such organization, cooperative, or corporation without capital stock.

(D) This paragraph shall not prevent a trade association or a separate segregated fund established by a trade association from soliciting contributions from the stockholders and executive or administrative personnel of the member corporations of such trade association and the families of such stockholders or personnel to the extent that such solicitation of such stockholders and personnel, and their families, has been separately and specifically approved by the member corporation involved, and such member corporation does not approve any such solicitation by more than one such trade association in any calendar year.

(5) Notwithstand any other law, any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions to a separate segregated fund established by a corporation, permitted by law to corporations with regard to stockholders and executive or administrative personnel, shall also be permitted to labor organizations with regard to their members.

(6) Any corporation, including its subsidiaries, branches, divisions, and affiliates, that utilizes a method of soliciting voluntary contributions or facilitating the making of voluntary contributions, shall make available such method, on written request and at a cost sufficient only to reimburse the corporation for the expenses incurred thereby, to a labor organization representing any members working for such corporation, its subsidiaries, branches, divisions, and affiliates.

(7) For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

Pub. L. 92-225, Title III, § 316, formerly § 321, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 490, renumbered and amended Pub. L. 96-187, Title I, §§ 105(5), 112(d), Jan. 8, 1980, 93 Stat. 1354, 1366.

National Bank Contributions

Bank loans or overdrafts in connection with an election and out of the ordinary course of business are inherently private, possessing no speech elements, therefore, the prohibition on this activity by this section does not violate the free speech rights of the first amendment. *FEC* v. *Lance,* 635 F. 2d 1132 (5th Cir. 1981), *cert. denied sub nom. Lance* v. *FEC,* S. Ct. Doc. No. 80-1740.

PAC's

Allowing labor unions and corporations, but not other organizations, to pay for the administration and solicitation costs of their PAC's does not constitute invidious discrimination in violation of the fifth amendment. *California Medical Association* v. *FEC*, 453 U.S. —, 69 L. Ed. 2d 567 (1981).

Investigations

FEC investigation into the limited question of whether in disseminating certain video tapes of a computer reenactment of an accident involving a candidate to major media outlets by the Reader's Digest Association, Inc., did not violate freedom of the press first amendment rights. *Reader's Digest Association, Inc.* v. *FEC*, 509 F. Supp. 1210 (S.D. N.Y. 1981).

2 U.S.C. § 441c. Contributions by government contractors—Prohibition

(a) It shall be unlawful for any person—

(1) who enters into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (A) the completion of performance under; or (B) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land, or buildings, directly or indirectly to make any contribution of money or other things of value, or to promise expressly or impliedly to make any such contribution to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

(2) knowingly to solicit any such contribution from any such person for any such purpose during any such period.

SEPARATE SEGREGATED FUNDS

(b) This section does not prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, any separate segregated fund by any corporation, labor organization, membership organization, cooperative, or corporation without capital stock for the purpose of influencing the nomination for election, or election, of any person to Federal office, unless the provisions of section 441b of this title prohibit or make unlawful the establishment or administration of, or the solicitation of contributions to, such fund. Each specific prohibition, allowance, and duty applicable to a corporation, labor organization, or separate segregated fund under section 441b of this title applies to a corporation, labor organization, or separate segregated fund to which this subsection applies.

"LABOR ORGANIZATION" DEFINED

(c) For purposes of this section, the term "labor organization" has the meaning given it by section 441b(b)(1) of this title.

Pub. L. 92-225, Title III, § 322, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 492.

Section 322 of Pub. L. 92-225, Title III, Pub. L. 96-187, Title I, § 105(5), Jan. 8, as added, was redesignated as 317 by 1980, 93 Stat. 1354.

2 U.S.C. § 441d. Publication and distribution of statements and solicitations; charge for newspaper or magazine space

(a) Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

Pub. L. 92-225, Title III, § 318, formerly § 323, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 493, renumbered and amended Pub. L. 96-187, Title I, §§ 105(5), 111, Jan. 8, 1980, 93 Stat. 1354, 1365.

Advertisement reporting requirement

It was determined that the Central Long Island Tax Reform Immediately Committee (CLITRIM), a part of a national network of TRIM committees established by the John Birch Society, Inc., was not required to comply with the filing requirements of the Federal Election Campaign Act of 1971, as amended, because their Bulletin of Fall 1976, did not come within the statutory definition of a communication expressly advocating the election or defeat of a candidate; terms such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," and "reject," were not used. *FEC* v. *Central Long Island Tax Reform Immediately Committee,* 616 F. 2d 45 (2d Cir. 1980).

2 U.S.C. § 441e. Contributions by foreign nationals

(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept or receive any such contribution from a foreign national.

(b) As used in this section, the term "foreign national" means—

(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8.

Pub. L. 92-225, Title III, § 324, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 493.

2 U.S.C. § 441f. Contributions in name of another prohibited

No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one peson in the name of another person.

Pub. L. 92-225, Title III, § 325, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 494.

2 U.S.C. § 441g. Limitation on contribution of currency

No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed $100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office.

Pub. L. 92-225, Title III, § 326, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 494.

2 U.S.C. § 441h. Fraudulent misrepresentation of campaign authority

No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

Pub. L. 92-225, Title III, § 327, as added Pub. L. 94-283, Title I, § 112 (2), May 11, 1976, 90 Stat. 494.

Sections 324 to 327 of Pub. L. 92-225, Title III, as added, were redesignated as 319 to 322, respectively, by Pub. L. 96-187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1354.

2 U.S.C. § 441i. Acceptance of excessive honorariums—Prohibited practices

(a) No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

(1) any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistance expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article.

PAYMENT OF HONORARIUM TO CHARITABLE ORGANIZATION; DEFINITION

(b) If an honorarium payable to a person is paid instead at his request to a charitable organization selected by payor from a list of 5 or more charitable organizaitons provided by that person, that person shall not be treated, for purposes of subsection (a) of this section, as accepting that honorarium. For purposes of this subsection, the term "charitable organization" means an organization described in section 170(c) of Title 26.

AGGREGATE AMOUNT RECEIVED DURING ANY CALENDAR YEAR

(c) For purposes of determining the aggregate amount of honorariums received by a person during any calender year, amounts returned to the person paying an honorarium before the close of the calendar year in which it was received shall be disregarded.

TIME OF ACCEPTANCE OF HONORARIUM

(d) For purposes of paragraph (2) of subsection (a) of this section, an honorarium shall be treated as accepted only in the year in which that honorarium is received.

Pub. L. 92-225, Title III, § 323, formerly § 328, as added Pub. L. 94-283, Title I, § 112(2), May 11, 1976, 90 Stat. 494, and amended Pub. L. 95-216, Title V, § 502(a), Dec. 20, 1977, 91 Stat 1565, renumbered Pub. L. 96-187, Title I, § 105(5), Jan. 8, 1980, 93 Stat. 1365, and as amended by Pub. L. 97-51, Oct. 1, 1981.

2 U.S.C. § 441j. Repealed. Pub.L. 96-187, Title I, § 105(1), Jan. 8, 1980, 93 Stat. 1365

2 U.S.C. § 442. Authority to procure technical support and other services and incur travel expenses; payment of such expenses

For the purpose of carrying out his duties under the Federal Election Campaign Act of 1971, the Secretary of the Senate is authorized, from and after July 1, 1972, (1) to procure technical support services, (2) to procure the temporary or intermittent services of individual technicians, experts, or consultants, or organizations thereof, in the same manner and under the same conditions, to the extent applicable, as a standing committee of the Senate may procure such services under section 72a(i) of this title, (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency, and (4) to incur official travel expenses. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate. All sums received by the Secretary under authority of the Federal Election Campaign Act of 1971 shall be covered into the Treasury as miscellaneous receipts.

Pub. L. 92-342, §101, July 10, 1972, 86 Stat. 435.

SUBCHAPTER II.—GENERAL PROVISIONS

2 U.S.C. §451. Extension of credit by regulated industries; regulations

The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after February 7, 1972, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office, or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

Pub. L. 92-225, Title IV, §401, Feb. 7, 1972, 86 Stat. 19, amended Pub. L. 93-443, Title II, §201(b)(1), Oct. 15, 1974, 88 Stat. 1275.

2 U.S.C. §452. Prohibition against use of certain Federal funds for election activities

No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity.

Pub. L. 92-225, Title IV, §402, Feb. 7, 1972, 86 Stat. 19, amended Pub. L. 93-443, Title II, §201(b)(2), Oct. 15, 1974, 88 Stat. 1275.

2 U.S.C. §453. State laws affected

The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office.

Pub. L. 92-225, Title IV, §403, Feb. 7, 1972, 86 Stat. 20, amended Pub. L. 93-443, Title III, §301, Oct. 15, 1974, 88 Stat. 1289.

2 U.S.C. §454. Partial invalidity

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Pub. L. 92-225, Title IV, §404, Feb. 7, 1972, 86 Stat. 20.

2 U.S.C. §455. Period of limitations—Three year period

(a) No person shall be prosecuted, tried, or punished for any violation of subchapter I of this chapter unless the indictment is found or the information is instituted within 3 years after the date of the violation.

EFFECTIVE DATE; ACTS OR OMISSIONS, LEGALITY; PENDING PROCEEDINGS

(b) Notwithstanding any other provision of law—

(1) the period of limitations referred to in subsection (a) of this section shall apply with respect to violations referred to in such subsection committed before, on, or after the effective date of this section; and

(2) no criminal proceeding shall be instituted against any person for any act or omission which was a violation of any provision of subchapter 1 of this chapter, as in effect on December 31, 1974, if such act or omission does not constitute a violation of any such provision, as amended by the Federal Election Campaign Act Amendments of 1974.

Nothing in this subsection shall affect any proceedings pending in any court of the United States on the effective date of this section.

Pub. L. 92-225, Title IV, §406, as added Pub. L. 93-443, Title III, §302, Oct. 15, 1974, 88 Stat. 1289, and amended Pub. L. 94-283, Title I, §115(f), May 11, 1976, 90 Stat. 496.

2 U.S.C. §456. Repealed. Pub. L. 94-283, Title I, §111, May 11, 1976, 90 Stat. 486

D. FINANCIAL DISCLOSURE REQUIREMENTS OF LEGISLATIVE PERSONNEL

2 U.S.C. §701. Legislative personnel financial disclosure—Members of Congress

(a) Each Member in office on May 15 of a calendar year shall file on or before May 15 of that calendar year a report containing the information as described in section 702(a) of this title.

OFFICERS AND EMPLOYEES

(b)(1) Any individual who is an officer or employee of the legislative branch described in subsection (e) of this section during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 702(a) of this title if such individual is or will be such an officer or employee on such May 15.

(2) Any individual whose employment as an officer or employee described in subsection (e) of this section is terminated in any calendar year may be required—

(A) under the rules of the House of Representatives, if such individual would, but for such termination, file a report with the Clerk pursuant to section 703(a) of this title, or

(B) under the rules of the Senate, if such individual would, but for such termination, file a report with the Secretary pursuant to section 703(b) of this title,

to file a financial disclosure report covering (i) that part of such calendar year during which such individual was employed as such an officer or employee, and (ii) the preceding calendar year if the report required by paragraph (1) covering that calendar year has not been filed.

NON-LEGISLATIVE PERSONNEL; TEMPORARY EMPLOYMENT; EFFECTIVE DATE

(c) Within thirty days of assuming the position of an officer or employee described in subsection (e) of this section, an individual, other than an individual who was employed in the legislative branch immediately before he assumed such position, shall file a report containing the information as described in section 702(b) of this title unless the individual has left another position described in subsection (e) of this section within thirty days prior to assuming his new position. The provisions of the preceding sentence shall nct apply to an individual who, as determined by the designated committee of the Senate or the designated committee of the House, as appropriate, is not reasonably expected to perform the duties of his office or position for more than sixty days in a calendar year, except that if he performs the duties of his office or position for more than sixty days in a calendar year, the report required by the preceding sentence shall be filed within fifteen days of the sixtieth day. This subsection shall take effect on January 1, 1979.

CONGRESSIONAL CANDIDATES

(d) Within thirty days of becoming a candidate in a calendar year for any election for the office of Member, or on or before May 15 of that calendar year, which ever is later, but in no event later than seven days prior to the election, and on or before May 15 of each successive year the individual continues to be a candidate, an individual shall file a report containing the information as described in section 702(b) of this title. Notwithstanding the preceding sentence, in any calendar year in which an individual continues to be a candidate for any office but all elections for such office relating to such candidacy were held in prior calendar years, such individual need not file a report unless he becomes a candidate for another vacancy in that office or another office during that year.

COVERED OFFICERS AND EMPLOYEES; LEGISLATIVE BRANCH

(e) The officers and employees referred to in subsection (b) and (c) of this section are—

(1) each officer or employee of the legislative branch who is compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule; and

(2) at least one principal assistant designated for purposes of this section by each Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS-16 of the General Schedule.

For the purposes of this chapter, the legislative branch includes the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Cost Accounting Standards Board, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of the Attending Physician, National Commission on Air Quality, and the Office of Technology Assessment.

EXTENSIONS OF TIME TO FILE

(f) Reasonable extensions of time for filing any report may be granted by the designated committee of the Senate with respect to those filing with the Secretary and by the designated committee of the House of Representatives with respect to those filing with the Clerk but in no event may the extension granted to a Member or candidate result in a required report being filed later than seven days prior to an election involving the Member or candidate. If the day on which a report is required to be filed falls on a weekend or holiday, the report may be filed on the next business day.

CONGRESSIONAL CANDIDATES IN 1978

(g) Notwithstanding the dates specified in subsection (d) of this section, an individual who is a candidate in calendar year 1978 shall file the report required by such subsection not later than

November 1, 1978, except that a candidate for the Senate who has filed a report as of such date pursuant to the Rules of the Senate need not file the report required by subsection (d) of this section.

TEMPORARY EMPLOYMENT

(h) The designated committee of the House of Representatives, or the designated committee of the Senate, as the case my be, may grant a publicly available request for a waiver of any reporting requirement under this section for an individual who is expected to perform or has performed the duties of his office or position for less than one hundred and thirty days in a calendar year, but only if such committee determines that—

(1) such individual is not a full-time employee of the Government,

(2) such individual is able to provide services specially needed by the Government,

(3) it is unlikely that the individual's outside employment or financial interests will create a conflict of interest, and

(4) public financial disclosure by such individual is not necessary in the circumstances.

Pub. L. 95-521, Title I, § 101, Oct. 26, 1978, 92 Stat. 1824, amended Pub. L. 96-19, §§ 2(a)(1), (b), (c)(1), 4(b)(1), (d), (e), (f), 5, June 13, 1979, 93 Stat. 37, 38, 40.

2 U.S.C. 702. Contents of reports—Members of Congress; legislative officers and employees

(a) Each report filed pursuant to subsections (a) and (b) of section 701 of this title shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $100 or more in value.

(B) The source and type of income which consists of dividends, interest, rent, and capital gains, received during the preceding calendar year which exceeds $100 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

(i) not more than $1,000,
(ii) greater than $1,000 but not more than $2,500,
(iii) greater than $2,500 but not more than $5,000,
(iv) greater than $5,000 but not more than $15,000,
(v) greater than $15,000 but not more than $50,000,
(vi) greater than $50,000 but not more than $100,000, or
(vii) greater than $100,000.

(2)(A) The identity of the source and a brief description of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(C) The identity of the source and a brief description of reimbursements received from any source aggregating $250 or more in value and received during the preceding calendar year.

(D) In an unusual case, a gift need not be aggregated under subparagraph (A) or (B) if a publicly available request for a waiver is granted.

(3) The identify and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a relative or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse;

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale, or exchange during the preceding calendar year which exceeds $1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6) The identity of all positions held on or before the date of filing during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States. This paragraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

NON-LEGISLATIVE PERSONNEL; CONGRESSIONAL CANDIDATES

(b) Each report filed pursuant to subsections (c) and (d) of section 701 of this title shall include a full and complete statement with respect to the information required by—

(1) paragraph (1) of subsection (a) of this section for the year of filing and the preceding calendar year.

(2) paragraphs (3) and (4) of subsection (a) of this section as of the date specified in the report but which is less than thirty-one days before the filing date, and

(3) paragraph (6) and, in the case of reports filed under section 701(c) of this title, paragraph (7) of subsection (a) of this section as of the filing date but for periods described in such paragraphs.

CATEGORIES OF VALUE; INTERESTS IN REAL PROPERTY AND OTHER ITEMS NEEDING APPRAISALS

(c)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4) and (5) of subsection (a) of this section are as follows:

(A) not more than $5,000;
(B) greater than $5,000 but not more than $15,000;
(C) greater than $15,000 but not more than $50,000;
(D) greater than $50,000 but not more than $100,000;
(E) greater than $100,000 but not more than $250,000; and
(F) greater than $250,000.

(2) for the purposes of paragraph (3) of subsection (a) of this section if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes. adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such

assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) of this section is not ascertainable without an appraisal, such individual may list the book value of a comporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

INFORMATION RESPECTING SPOUSES AND DEPENDENT CHILDREN

(d)(1) Except as provided in the last sentence of this paragraph, each report shall also contain information listed in paragraphs (1) through (5) of subsection (a) of this section respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and, with respect to a spouse or dependent child, all information required to be reported in subsection (a)(1)(B) of this section with respect to income derived from any asset held by the spouse or dependent child and reported pursuant to paragraph (3). With respect to earned income, if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) In the case of any gifts received by a spouse which are not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

(C) In the case of any reimbursements received by a spouse which are not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of each such reimbursement.

(D) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive any financial or economic benefit.

Each report referred to in subsection (b) of this section shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a) of this section, as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

TRUSTS OR OTHER FINANCIAL ARRANGEMENTS; QUALIFIED BLIND TRUST

(e)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a) and (b) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3)); or

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of,

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any dependent child has a beneficial intererst in the principal or income, and which meets the following requirements:

(A) The trustee of the trust is a financial institution, an attorney, a certified public accountant, a broker, or an investment adviser, who (in the case of a financial institution or investment company, any officer or employee involved in the management or control of the trust who)—

(i) is independent of and unassociated with any interested party so that the trustee cannot be controlled or influenced in the administration of the trust by any interested party,

(ii) is not or has not been an employee of any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party, and

(iii) is not a relative of any interested party.

(B) Any asset transfered to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an invididual tax return required by law or to provide the information required by subsection (a)(1)(B) of this section but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwised provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

For purposes of this subsection "interested party" means a reporting individual, his spouse, and any dependent child if the reporting individual, his spouse, or dependent child has a beneficial interest in the principal or income of a qualified blind trust; "broker" has the meaning set forth in section 78c(a)(4) of Title 15; "investment adviser" includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts; and "supervising ethics office" means the designated committee of the House of Representatives for those who file the reports required by this chapter with the Clerk and the designated committee of the Senate for those who file the reports required by this chapter with the Secretary.

(4) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of section 208 of Title 18, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (c)(1) of this section.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (c)(1) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (c) of this section of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 704 of this title, and the provisions of that section shall apply with respect to such documents and lists.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document required by this subsection.

(B) A reporting individual shall not knowingly or negiligently (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3) (C) of this subsection, or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

(ii) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $1,000.

(7) Any trust which is in existence prior to October 26, 1978, shall be considered a qualified blind trust if—

(A) the supervising ethics office determines that the trust was a good faith effort to establish a blind trust;

(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold are filed and made available to the public as provided under paragraph (5) of this subsection.

POLITICAL CAMPAIGN FUNDS

(f) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this chapter.

GIFTS AND REIMBURSEMENTS

(g) A report filed pursuant to subsection (a) or (b) of section 701 of this title need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) of this section with respect to gifts and reimbursements received in a period when the reporting individual was not a Member or an officer or employee of the Federal Government.

Pub. L. 95-521, Title I, § 102, Oct. 26, 1978, 92 Stat. 1825, amended Pub. L. 96-19, §§ 3(a)(1), (b), 6(a), 7(a), (b), (c), (d)(1), (f), 9(b), (c)(1), (j), June 13, 1979, 93 Stat. 39-43.

2 U.S.C. § 703. Filing of reports--Persons filing with the Clerk

(a) The reports required by section 701 of this title of Representatives, Delegates to Congress, the Resident Commissioner from Puerto Rico, officers and employees of the House, candidates seeking election to the House, and officers and employees of the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Govenment Printing Office, and the Library of Congress shall be filed with the Clerk.

PERSONS FILING WITH THE SECRETARY

(b) The reports required by section 701 of this title of Senators, officers and employees of the Senate, candidates seeking election to the Senate, and officers and employees of the General Accounting Office, the Cost Accounting Standards Board, the Office of Technology Assessment, National Commission on Air Quality, and the Office of the Attending Physician shall be filed with the Secretary.

STATE COPIES

(c) A copy of each report filed by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk or Secretary, as the case may be, to the appropriate State officer as designated in accordance with section 439(a) of this title of the State represented by the Member or in which the individuals is a candidate, as the case may be, within the seven-day period beginning the day that the report is filed with the Clerk or Secretary.

COMMITTEE COPIES

(d)(1) A copy of each report filed under this chapter with the Clerk shall be sent by the Clerk to the designated committee of the House of Representatives within the seven-day period beginning the day that the report is filed.

(2) A copy of each report filed with the Secretary shall be sent by the Secretary to the designated committee of the Senate.

FEDERAL ELECTION COMMISSION ASSISTANCE

(e) In carrying out their responsiblities under this chapter, the Clerk and the Secretary shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

REPORTING FORMS; RULES AND REGULATIONS

(f) In order to carry out their responsibilities under this chapter, the designated committee of the House of Representatives, and the designated committee of the Senate, shall develop reporting forms and may promulgate rules and regulations.

Pub.L. 95-521, Title I, § 103, Oct. 26, 1978, 92 Stat. 1831, amended Pub.L. 96-19, §§ 4(b)(2), 9(a), June 13, 1979, 93 Stat. 40, 42.

2 U.S.C. § 704. Accessibility of reports—Duty of Clerk

(a) Except as provided in the second sentence of this subsection, within fifteen calendar days after a report is filed with the Clerk under this chapter, the Clerk shall make such report available for public inspection at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public inspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Clerk to any person upon request.

DUTY OF SECRETARY

(b) Except as provided in the second sentence of this subsection, within fifteen days after a report is filed with the Secretary under this chapter, the Secretary shall make such report available for public inspection at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public inspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Secretary to any person upon request.

APPLICATION FOR INSPECTION OF REPORTS; COPIES; FEES

(c)(1) Notwithstanding subsections (a) and (b) of this section, a report may not be made available under this section to any person nor may any copy thereof be provided under this section to any person except upon a written application by such person stating—

(A) that person's name, occupation, and address;

(B) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(C) that such person is aware of the prohibitions on the obtaining or use of the report.

Any such application shall be made available to the public throughout the period during which the report is made available to the public.

(2) Any person requesting a copy of a report may be required to pay a reasonable fee to cover the cost of reproduction or mailing of such report, excluding any salary of any employee involved in such reproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined by the Clerk or Secretary that waiver or reduction of the fee is in the public interest because furnishing the information may be considered as primarily benefiting the public.

DURATION

(d) Any report filed under this chapter with the Clerk or Secretary shall be available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 701(d) of this title and was not subsequently elected, such reports shall be destroyed one year after the individual is no longer a candidate for election to the office of Member unless needed in an ongoing investigation.

UNLAWFUL USES; CIVIL ACTIONS; PENALTY

(e)(1) It shall be unlawful for any person to obtain or use a report—

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1). The court in which such action is brought may assess against such person a penalty in any amount not to exceed $5,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

Pub. L. 95-521, Title I, § 104, Oct. 26, 1978, 92 Stat. 1832, amended Pub. L. 96-19, § 8(a), June 13, 1979, 93 Stat. 41.

2 U.S.C. § 705. Review and compliance procedures

(a) The designated committee of the House of Representatives and the designated committee of the Senate shall establish procedures for the review of reports sent to them under section 703(d)(1) of this title and section 703(d)(2) of this title to determine whether the reports are filed in a timely manner, are complete, and are in proper form. In the event a determination is made that a report is not so filed, the appropriate committee shall so inform the reporting individual and direct him to take all necessary corrective action.

(b) In order to carry out their responsibilities under this chapter the designated committee of the House of Representatives and the designated committee of the Senate, have power, within their respective jurisdictions, to render any advisory opinion interpreting this chapter, in writing, to persons covered by this chapter. Notwithstanding any other provisions of law, the individual to whom a public advisory opinion is rendered in accordance with this subsection, and any other individual covered by this chapter who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of the advisory opinion, acts in good faith in accordance with the provisions and findings of such advisory opinion shall shall not, as a result of such act, be subject to any sanction provided in this chapter.

Pub. L. 95-521, Title I, § 105, Oct. 26, 1978, 92 Stat. 1833.

2 U.S.C. § 706. Failure to file or filing false reports

The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 702 of this title. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000. No action may be brought under this section against any individual with respect to a report filed by such individual in calendar year 1978 pursuant to section 701(d) of this title.

Pub. L. 95-521, Title I, § 106, Oct. 26, 1978, 92 Stat. 1833.

2 U.S.C. § 707. Definitions

For the purposes of this chapter, the term—

(1) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(2) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaugher, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother or the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

(3) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by State and local governments, or political subdivisions thereof, by a foreign government within a foreign country, or by the United States Government.

(D) food and beverages consumed at banquets, receptions, or similar events;

(E) consumable products provided by home-State businesses to a Member's office for distribution; or

(F) communications to the officers of a reporting individual including subscriptions to newspapers and periodicals;

(4) "honoraria" has the meaning given such term in the Federal Election Campaign Act of 1971;

(5) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual;

(6) "personal hospitality of any individual" means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(7) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of Title 26;

(8) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or any State or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of Title 5; or

(C) required to be reported under section 434 of this title;

(9) "candidate" means an individual, other than a Member, who seeks nomination for election, or election, to the Congress whether or not such individual is elected, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, (A) if he has taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) if he or his principal campaign committee has taken action to register or file campaign reports required by section 434(a) of this title;

(10) "Clerk" means the Clerk of the House of Representatives;

(11) "Secretary" means the Secretary of the Senate;

(12) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) "election" means (A) a general, special, primary, or runoff election, or (B) a convention or caucus of a political party which has authority to nominate a candidate;

(14) "officer or employee of the House" means any individual, other than a Member, whose compensation is disbursed by the Clerk;

(15) "officer or employee of the Senate" means an individual, other than a Senator or the Vice President, whose compensation is disbursed by the Secretary; and

(16) "designated committee of the House of Representatives" and "designated committee of the Senate" means the committee of the House or Senate, as the case may be, assigned responsibility for administering the reporting requirements of this chapter.

Pub. L. 95-521, Title I, § 107, Oct. 26, 1978, 92 Stat. 1834, amended Pub. L. 96-19, § 9 (d), (g), June 13, 1979, 93 Stat. 42, 43.

2 U.S.C. § 708. State laws affected

The provisions added by this chapter, and the regulations issued thereunder, shall supersede and preempt any State or local law with respect to financial disclosure by reason of holding the office of Member or candidacy for Federal office or employment by the United States Government.

Pub. L. 95-521, Title I, § 108, Oct. 26, 1978, 92 Stat. 1835, amended Pub. L. 96-19, § 9(t), June 13, 1979, 93 Stat. 44.

2 U.S.C. § 709. Study by Comptroller General

(a) Before November 30, 1980, and regularly thereafter, the Comptroller General of the United States shall conduct a study to determine whether this chapter is being carried out effectively and whether timely and accurate reports are being filed by individuals subject to this chapter.

(b) Within thirty days after completion of the study, the Comptroller General shall transmit a report to each House of Congress containing a detailed statement of his findings and conclusions, together with his recommendations for such legislative and administrative actions as he deems appropriate. The first such study shall include the Comptroller General's findings and recommendations on the feasibility and potential need for a requirement that systematic random audits be conducted of financial disclosure reports filed under this chapter, including a thorough discussion of the type and nature of audits that might be conducted; the personnel and other costs of audits; the value of an audit to Members, the appropriate House and Senate committees, and the public; and, if conducted, whether a governmental or nongovernmental unit should perform the audits, and under whose supervision.

Pub. L. 95-521, Title I, § 109, Oct. 26, 1978, 92 Stat. 1836.

E. POLITICAL ACTIVITIES: FEDERAL EMPLOYEES (TITLE 5, UNITED STATES CODE; INCLUDING SELECTED PROVISIONS OF THE HATCH ACT)

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5 U.S.C. § 7321. Political Contributions and Services

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service is not obliged, by reason of that employment, to contribute to a political fund or to render political service, and that he may not be removed or otherwise prejudiced for refusal to do so.

Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525.

5 U.S.C. § 7322. Political Use of Authority or Influence; Prohibition

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525.

5 U.S.C. § 7323. Political Contributions; Prohibition

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 525.

5 U.S.C. § 7324. Influencing Elections; Taking Part in Political Campaigns; Prohibitions; Exceptions

(a) An employee in an Executive agency or an individual employed by the government of the District of Columbia may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election; or

(2) take an active part in political management or in political campaigns.

For the purpose of this subsection, the phrase "an active part in political management or in political campaigns" means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by determinations of the Civil Service Commission uner the rules prescribed by the President.

(b) An employee or individual to whom subsection (a) of this section applies retains the right to vote as he chooses and to express his opinion on political subjects and candidates.

(c) Subsection (a) of this section does not apply to an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by the District of Columbia or by a recognized religious, philanthropic, or cultural organization.

(d) Subsection (a)(2) of this section does not apply to—

(1) an employee paid from the appropriation for the office of the President;

(2) the head or the assistant head of an Executive department or military department;

(3) an employee appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in its relations with foreign powers or in the nationwide administration of Federal laws;

(4) the Mayor of the District of Columbia, the members of the Council of the District of Columbia, or the Chairman of the Council of the District of Columbia, as established by the District of Columbia Self-Government and Governmental Reorganization Act; or

(5) the Recorder of Deeds of the District of Columbia.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 525; as amended by Pub. L. 93–268, §4(a), Apr. 17, 1974, 88 Stat. 87.

5 U.S.C. §7325. Penalties

An employee or individual who violates section 7324 of this title shall be removed from his position, and funds appropriated for the position from which removed thereafter may not be used to pay the employee or individual. However, if the Merit Systems Protection Board finds by unanimous vote that the violation does not warrant removal, a penalty of not less than 30 days' suspension without pay shall be imposed by direction of the Board.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96–54, §2(a)(44), Aug. 14, 1979, 93 Stat. 384.

5 U.S.C. §7326. Nonpartisan Political Activity Permitted

Section 7324(a)(2) of this title does not prohibit political activity in connection with—

(1) an election and the preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected; or

(2) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States.

For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, are deemed not specifically identified with a National or State political party or political party of a territory or possession of the United States.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 526.

5 U.S.C. § 7327. Political Activity Permitted; Employees Residing in Certain Municipalities

(a) Section 7324(a)(2) of this title does not apply to an employee of The Alaska Railroad who resides in a municipality on the line of the railroad in respect to political activities involving that municipality.

(b) The Office of Personnel Management may prescribe regulations permitting employees and individuals to whom section 7324 of this title applies to take an active part in political management and political campaigns involving the municipality or other political subdivision in which they reside, to the extent the Office considers it to be in their domestic interest, when—

(1) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which the majority of voters are employed by the Government of the United States; and

(2) the Office determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees and individuals to permit that political participation.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 526; Pub. L. 96–54, § 2(a)(14), (15), Aug. 14, 1979, 93 Stat. 382.

5 U.S.C. § 7351. Gifts to Superiors

An employee may not—

(1) solicit a contribution from another employee for a gift to an official superior;

(2) make a donation as a gift to an official superior; or

(3) accept a gift from an employee receiving less pay than himself.

An employee who violates this section shall be removed from the service

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 527.

[Criminal Code Provisions of Hatch Act (Title 18, United States Code)]

18 U.S.C. § 594. Intimidation of Voters

Whoever intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other persons for the purposes of interfering with the right of such other person to vote or to vote as he may choose, or of causing such other person to vote for, or not to vote for, any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, at any election held solely or in part for the purpose of electing such candidate, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

June 25, 1948, c. 645, 62 Stat. 720; as amended by Pub. L. 91–405, Title II, § 204(d)(5), Sept. 22, 1970, 84 Stat. 853.

18 U.S.C. § 595. Interference by Administrative Employees of Federal, State, or Territorial Governments

Whoever, being a person employed in any administrative position by the United States, or by any department or agency thereof, or by the Distict of Columbia or any agency or instrumentality thereof, or by any State, Territory, or Possession of the United States, or any political subdivision, municipality, or agency thereof, or agency of such political subdivision or municipality (including any corporation owned or controlled by any State, Territory, or Possession of the United States or by any such political subdivision, municipality, or agency), in connection with any activity which is financed in whole or in part by loans or grants made by the United States, or any department or agency thereof, uses his official authority for the purpose of interfering with, or affecting, the nomination or the election of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

This section shall not prohibit or make unlawful any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any state or political subdivision thereof, or by the District of Columbia or by any Territory or Possession of the United States; or by any recognized religious, philanthropic or cultural organization.

June 25, 1948, c. 645, 62 Stat. 720; as amended by Pub. L. 91-405, Title II, § 204(d)(6), 84 Stat. 853.

18 U.S.C. § 598. Coercion by Means of Relief Appropriations

Whoever uses any part of any appropriation made by Congress for work relief, relief, or for increasing employment by providing loans and grants for public-works projects, or exercises or administers any authority conferred by any Appropriation Act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote at any election, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

June 25, 1948, c. 645, 62 Stat. 721.

18 U.S.C. § 600. Promise of Employment or Other Benefit for Political Activity

Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

June 25, 1948, c. 645, 62 Stat. 721; as amended by Pub. L. 92-225, Title II, § 202, Feb. 7, 1972, 86 Stat. 9; and Pub. L. 94-453, § 3, Oct. 2, 1976, 90 Stat. 1517.

18 U.S.C. § 601. Deprivation of Employment or Other Benefit for Political Contribution

(a) Whoever, directly or indirectly, knowingly causes or attempts to cause any person to make a contribution of a thing of value (including services) for the benefit of any candidate or any political party, by means of the denial or deprivation, or the threat of the denial or deprivation, of—

(1) any employment, position, or work in or for any agency or other entity of the Government of the United States, a State, or a political subdivision of a State, or any compensation or benefit of such employment, position, or work; or

(2) any payment or benefit of a program of the United States, a State, or a political subdivision of a State;

if such employment, position, work, compensation, payment, or benefit is provided for or made possible in whole or in part by an Act of Congress, shall be fined not more than $10,000, or imprisoned not more than one year, or both.

(b) As used in this section—

(1) The term "candidate" means an individual who seeks nomination for election, or election, to Federal, State, or local office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal, State, or local office, if he has (A) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(2) the term "election" means (A) a general, special primary, or runoff election, (B) a convention or caucus of a political party held to nominate a candidate, (C) a primary election held for the selection of delegates to a nominating convention of a political party, (D) a primary election held for the experession of a preference for the nomination of persons for election to the office of President, and (E) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States or of any State; and

(3) the term "State" means a State of the United States, the the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

June 25, 1948, c. 645, 62 Stat. 721; as amended Oct. 2, 1976, Pub. L. 94-453, § 1, 90 Stat. 1516.

18 U.S.C. § 602. Solicitation of Political Contributions

It shall be unlawful for—

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to knowingly solict, any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 [2 U.S.C. § 431(8)] from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

June 25, 1948, c. 645, 62 Stat. 722; as amended by Pub. L. 96–187, Title II, § 201, 93 Stat. 1367.

18 U.S.C. § 603. Making Political Contributions

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 [2 U.S.C. § 431(8)] to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 [2 U.S.C. § 432(e)(1)] shall be considered a contribution to the individual who has authorized such committee.

June 25, 1948, c. 645, 62 Stat. 722; Oct 31, 1951, c. 655, § 20(b), 65 Stat. 718, as amended by Pub. L. 96–187, Title II, § 201, 93 Stat. 1367.

18 U.S.C. § 604. Solicitation from Persons on Relief

Whoever solicits or receives or in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose from any person known by him to be entitled to, or receiving compensation, employment, or other benefit provided for or made possible by any Act of Congress appropriating funds for work relief or relief purposes, shall be fined not more than $1,000 or imprisioned not more than one year, or both.

June 25, 1948, c. 645, 62 Stat. 722.

18 U.S.C. § 605. Disclosure of Names and Persons on Relief

Whoever, for political purposes, furnishes or discloses any list or names of persons receiving compensation, employment or benefits provided for or made possible by any Act of Congress appropriating, or authorizing the appropriation of funds for work relief or relief purposes, to a political candidate, committee, campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager; and whoever receives any such list or names for political purposes—shall be fined not more than $1,000 or imprisoned not more than one year, or both.

June 25, 1948, c. 645, 62 Stat. 722.

18 U.S.C. § 606. Intimidation to Secure Political Contributions

Whoever, being one of the officers or employees of the United States mentioned in section 602 of this title, discharges, or promotes, or degrades, or in any manner changes the official rank or compensation of any other officer or employee, or promises or threatens so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose, shall be fined not more than $5,000 or imprisoned not more than three years, or both.

June 25, 1948, c. 645, 62 Stat. 722.

18 U.S.C. § 607. Place of Solicitation

(a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 [2 U.S.C. § 431 (8)] in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

(b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, provided that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971 [2 U.S.C. § 432(e)].

June 25, 1948, c. 645, 62 Stat. 722; as amended by Pub. L. 96–187, § 201, 93 Stat. 1367.

F. POLITICAL ACTIVITIES: STATE AND LOCAL EMPLOYEES (TITLE 5, UNITED STATES CODE)

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5 U.S.C. § 1501. Definitions

For the purpose of this chapter—

(1) "State" means a State or territory or possession of the United States;

(2) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(3) "Federal agency" means an Executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System; and

(4) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency, but does not include—

(A) an individual who exercises no functions in connection with that activity; or

(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

As amended Pub. L. 93–443, Title IV, § 401(c), Oct. 15, 1974, 88 Stat. 1290.

5 U.S.C. § 1502. Influencing Elections; Taking Part in Political Campaigns; Prohibitions; Exceptions

(a) A State or local officer or employee may not—

(1) use his official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;

(2) directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) be a candidate for elective office.

(b) A State or local officer or employee retains the right to vote as he chooses and to express his opinions on political subjects and candidates.

(c) Subsection (a)(3) of this section does not apply to—

(1) the Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(2) the mayor of a city;

(3) a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil-service system; or

(4) an individual holding elective office.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 404; as amended by Pub. L. 93–443, Title IV, § 401(a), Oct. 15, 1974, 88 Stat. 1290.

5. U.S.C. § 1503. Nonpartisan Candidacies Permitted

Section 1502(a)(3) of this title does not prohibit any State or local officer or employee from being a candidate in any election if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected.

As amended Pub. L. 93–443, Title IV, § 401(b)(1), Oct. 15, 1974, 88 Stat. 1290.

5 U.S.C. § 1504. Investigations; Notice of Hearing

When a Federal agency charged with the duty of making a loan or grant of funds of the United States for use in an activity by a State or local officer or employee has reason to believe that the officer or employee has violated section 1502 of this title, it shall report the matter to the Special Counsel. On receipt of the report or on receipt of other information which seems to the Special Counsel to warrant an investigation, the Special Counsel shall investigate the report and such other information and present his findings and any charges based on such findings to the Merit Systems Protection Board, which shall—

(1) fix a time and a place for a hearing; and

(2) send, by registered or certified mail, to the officer or employee charged with the violation and to the State or local agency employing him a notice setting forth a summary of the alleged violation and giving the time and place of the hearing.

The hearing may not be held earlier than 10 days after the mailing of the notice.

Pub. L. 89–544, Sept. 6, 1966, 80 Stat. 405; as amended Pub. L. 95–454, Title IX, § 906(a)(7), Oct. 13, 1978, 92 Stat. 1225.

5 U.S.C. § 1505. Hearings; Adjudications; Notice of Determinations

Either the State or local officer or employee or the State or local agency employing him, or both, are entitled to appear with counsel at the hearing under section 1504 of this title, and be heard. After this hearing, the Merit Systems Protection Board shall—

(1) determine whether a violation of section 1502 of this title has occurred;

(2) determine whether the violation warrants the removal of the officer or employee from his office or employment; and

(3) notify the officer or employee and the agency of the determination by registered or certified mail.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 405; as amended Pub. L. 95–454, Title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.

5 U.S.C. § 1506. Orders; Withholding Loans or Grants; Limitations

(a) When the Merit Systems Protection Board finds—

(1) that a State or local officer or employee has not been removed from his office or employment within 30 days after notice of a determination by the Board that he has violated section 1502 of this title and that the violation warrants removal; or

(2) that the State or local officer or employee has been removed and has been appointed within 18 months after his removal to an office or employment in the same State in a State or local agency which does not receive loans or grants from a Federal agency;

the Board shall make and certify to the appropriate Federal agency an order requiring that agency to withhold from its loans or grants to the State or local agency to which notice was given an amount equal to 2 years' pay at the rate the officer or employee was receiving at the time of the violation. When the State or local agency to which appointment within 18 months after removal has been made is one that receives loans or grants from a Federal agency, the Board order shall direct that the withholding be made from that State or local agency.

(b) Notice of the order shall be sent by registered or certified mail to the State or local agency from which the amount is ordered to be withheld. After the order becomes final, the Federal agency to which the order is certified shall withhold the amount in accordance with the terms of the order. Except as provided by section 1508 of this title, a determination or order of the Board becomes final at the end of 30 days after mailing the notice of the determination or order.

(c) The Board may not require an amount to be withheld from a loan or grant pledged by a State or local agency as security for its bonds or notes if the withholding of that amount would jeopardize the payment of the principal or interest on the bonds or notes.

Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 405; as amended Pub.L. 95-454, Title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.

5 U.S.C. § 1507. Subpenas and Depositions

(a) The Merit Systems Protection Board may require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter before it as a result of this chapter. Any member of the Board may sign subpenas, and members of the Board and its examiners when authorized by the Board may administer oaths, examine witnesses, and receive evidence. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at the designated place of hearing. In case of disobedience to a subpena, the Board may invoke the aid of a court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpena issued to a person, the United States District Court within whose jurisdiction the inquiry is carried on may issue an order requiring him to appear before the Board, or to produce documentary evidence if so ordered, or to give evidence concerning the matter in question; and any failure to obey the order of the court may be punished by the court as a contempt thereof.

(b) The Board may order testimony to be taken by deposition at any stage of a proceeding or investigation before it as a result of this chapter. Depositions may be taken before as individual designated by the Board and having the power to administer oaths. Testimony shall be reduced to writing by the individual taking the deposition, or under his direction, and shall be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence before the Board as provided by this section.

(c) A person may not be excused from attending and testifying or from producing documentary evidence or in obedience to a subpena on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify, or produce evidence, documentary or otherwise, before the Board in obedience to a subpena issued by it. A person so testifying is not exempt from prosecution and punishment for perjury committed in so testifying.

Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 406; as amended Pub. L. 95-454, Title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.

5 U.S.C. § 1508. Judicial Review

A party aggrieved by a determination or order of the Merit Systems Protection Board under section 1504, 1505, or 1506 of this title may, within 30 days after the mailing of notice of the determination or order, institute proceedings for review thereof by filing a petition in the United States District Court for the district in which the State or local officer or employee resides. The institution of the proceedings does not operate as a stay of the determination or order unless—

(1) the court specifically orders a stay; and

(2) the officer or employee is suspended from his office or employment while the proceedings are pending.

A copy of the petition shall immediately be served on the Board, and thereupon the Board shall certify and file in the court a transcript of the record on which the determination or order was made. The court shall review the entire record including questions of fact and questions of law. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that the additional evidence may materially affect the result of the proceedings and that there were reasonable grounds for failure to adduce this evidence in the hearing before the Board, the court may direct that the additional evidence be taken before the Board in the manner and on the terms and conditions fixed by the court. The Board may modify its findings of fact or its determination or order in view of the additional evidence and shall file with the court the modified findings, determination, or order; and the modified findings of fact, if supported by substantial evidence, are conclusive. The court shall affirm the determination or order, or the modified determination or order, if the court determines that it is in accordance with law. If the court determines that the determination or order, or the modified determination or order, is not in accordance with law, the court shall remand the proceeding to the Board with directions either to make a determination or order determined by the court to be lawful or to take such further proceedings as, in the opinion of the court, the law requires. The judgment and decree of the court are final, subject to review by the appropriate United States Court of Appeals as in other cases, and the judgment and decree of the court of appeals are final, subject to review by the Supreme Court of the United States on certiorari or certification as provided by section 1254 of title 28. If a provision of this section is held to be invalid as applied to a party by a determination or order of the Board, the determination or order becomes final and effective as to that party as if the provision had not been enacted.

Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 406; as amended Pub. L. 95-454, Title IX, § 906(a)(6), Oct. 13, 1978, 92 Stat. 1225.

G. POLITICAL ACTIVITIES; COMMUNITY ACTION AGENCIES (TITLE 42, UNITED STATES CODE)

42 U.S.C. § 2943. Political Activities of Personnel of Overall Community Action Agencies; Rules and Regulations

(a) For purposes of chapter 15 of Title 5 of any overall community action agency which assumes responsibility for planning, developing, and coordinating communitywide antipoverty programs and receives assistance under this chapter shall be deemed to be a State or local agency; and for purposes of clauses (1) and (2) of section 1502(a) of such title any agency receiving assistance under this chapter shall be deemed to be a State or local agency.

(b) Programs assisted under this chapter shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such programs with (1) any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or groups, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activity. The Director, after consultation with the Civil Service Commission, shall issue rules and regulations to provide for the enforcement of this section, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

(c) No part of any funds appropriated to carry out this chapter, subpart (1) of part B of title V of the Higher Education Act of 1965, or any program administered by ACTION shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Community Services Administration, the Teacher Corps, or ACTION, who, while acting in an official capacity as such an officer or employee, engages in such activity. As used in this section, the term "election" has the same meaning given such term by section 431(a) of Title 2, and the term "Federal office" has the same meaning given such term by section 431(c) of Title 2.

Pub. L. 88-452, Title VI, § 603, Aug. 20, 1964, 78 Stat. 530; Pub. L. 89-253, § 26, Oct. 9, 1965, 79 Stat. 977; Pub. L. 89-554, § 8(a) Sept. 6, 1966, 80 Stat. 662; Pub. L. 89-794, Title VI, § 604, Nov. 8, 1966, 80 Stat. 1469; Pub. L. 90-222, Title I, § 108(c), Dec. 23, 1967, 81 Stat. 714; Pub. L. 92-424, § 20, Sept. 19, 1972, 86 Stat. 696; Pub. L. 93-644, § 9(c)(2), Jan. 4, 1975, 88 Stat. 2314; Pub. L. 94-341, § 2(a)(31), July 6, 1976, 90 Stat. 805.

As amended Pub. L. 93-644, § 9(c)(2), Jan. 4, 1975, 88 Stat. 2314; Pub. L. 94-341, § 2(a)(31), July 6, 1976, 90 Stat. 805; Pub. L. 95-568, § 17(a)(27), Nov. 2, 1978, 92 Stat. 2442.

H. CRIMINAL CODE PROVISIONS (TITLE 18, UNITED STATES CODE)

Chapter 11—Bribery, Graft, and Conflicts of Interest

18 U.S.C. § 203. Compensation to Members of Congress, Officers, and Others in Matters Affecting the Government

(a) Whoever, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receives or agrees to receive, or asks, demands, solicits, or seeks, any compensation for any services rendered or to be rendered either by himself or another—

(1) at a time when he is a Member of Congress, Member of Congress Elect, Delegate from the District of Columbia, Delegate Elect from the District of Columbia, Resident Commissioner or Resident Commissioner Elect; or

(2) at a time when he is an officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia, in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the United States is a party or has a direct and substantial interest, before any department, agency, court-martial, officer, or any civil, military, or naval commission, or

(b) Whoever, knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly gives, promises, or offers any compensation for any such services rendered or to be rendered at a time when the person to whom the compensation is given, promised, or offered, is or was such a Member, Delegate, Commissioner, officer, or employee—shall be fined not more than $10,000 or imprisoned for not more than two years, or both; and shall be incapable of holding any office of honor, trust, or profit under the United States.

(c) A special Government employee shall be subject to subsection (a) only in relation to a particular matter involving a specific party or parties (1) in which he has at any time participated personally and substantially as a Government employee or as a special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or (2) which is pending in the department or agency of the Government in which he is serving: *Provided,* That clause (2) shall not apply in the case of a special Government employee who has served in such department or agency no more than sixty days during the immediately preceeding period of three hundred and sixty-five consecutive days.

Added Pub. L. 87-849, § 1(a), Oct. 23, 1962, 76 Stat. 1121; and amended Pub. L. 91-405, Title II, § 204(d)(2), (3) Sept. 22, 1970, 84 Stat. 853.

18 U.S.C. § 210. Offer to Procure Appointive Public Office

Whoever pays or offers or promises any money or thing of value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

June 25, 1948, ch. 645, 62 Stat. 694; § 210, formerly § 214, renumbered Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.

18 U.S.C. § 211. Acceptance or Solicitation to Obtain Appointive Public Office

Whoever solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person any appointive office or place under the United States, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Whoever solicits or receives anything of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency of the United States or by requiring the payment of a fee because such person has secured such employment shall be fined not more than $1,000, or imprisoned not more than one year, or both. This section shall not apply to such services rendered by an employment agency pursuant to the written request of an executive department or agency of the United States.

June 25, 1948, ch. 645, 62 Stat. 694; § 211, formerly § 215, amended Sept. 13, 1951, ch. 380, 65 Stat. 320; and renumbered Oct. 23, 1962, Pub. L. 87-849, § 1(b), 76 Stat. 1125.

18 U.S.C. § 592. Troops at Polls

Whoever, being an officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the Untied States, shall be fined not more than $5,000 or imprisoned not more than five years, or both; and be disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces of the United States from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

June 25, 1948, ch. 645, 62 Stat. 719.

18 U.S.C. § 593. Interference by Armed Forces

Whoever, being an officer or member of the Armed Forces of the United States, prescribes or fixes or attempts to prescribe or fix, whether by proclamation, order or otherwise, the qualifications of voters at any election in any State; or

Whoever, being such officer or member, prevents or attempts to prevent by force, threat, intimidation, advice, or otherwise any qualified voter of any State from fully exercising the right of suffrage at any general or special election; or

Whoever, being such officer or member, orders or compels or attempts to compel any election officer in any State to receive a vote from a person not legally qualified to vote; or

Whoever, being such officer or member, imposes or attempts to impose any regulations for conducting any general or special election in a State, different from those prescribed by law; or

Whoever, being such officer or member, interferes in any manner with an election officer's discharge of his duties—shall be fined not more than $5,000 or imprisioned not more than five years, or both; and disqualified from holding any office of honor, profit, or trust under the United States.

This section shall not prevent any officer or member of the Armed Forces from exercising the right of suffrage in any district to which he may belong, if otherwise qualified according to the laws of the State of such district.

June 25, 1948, ch. 645, 62 Stat. 719.

(Sections 594, 595, 598, 600, 601, 602, 603, 604, 605, 606, and 607, which are a part of the Hatch Political Activities Act, are listed under the Hatch Act (this book.))

18 U.S.C. § 596. Polling Armed Forces

Whoever, within or without the Armed Forces of the United States, polls any member of such forces, either within or without the United States, either before or after he executes any ballot under any Federal or State law, with reference to his choice of or his vote for any candidate, or states, publishes, or releases any result of any purported poll taken from or among the members of the Armed Forces of the United States or including within it the statement of choice for such candidate or of such votes cast by any member of the Armed Forces of the United States, shall be fined not more than $1,000 or imprisioned for not more that one year, or both.

The word "poll" means any request for information, verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

June 25, 1948, ch. 645, 62 Stat. 720.

18 U.S.C. § 597. Expenditures to Influence Voting

Whoever makes or offers to make an expenditure to any person, either to vote or withhold his vote, or to vote for or against any candidate; and

Whoever solicits, accepts, or receives any such expenditure in consideration of his vote or the withholding of his vote—

Shall be fined not more than $1,000 or imprisioned not more than one year, or both; and if the violation was willful, shall be fined not more then $10,000 or imprisioned not more than two years, or both.

June 25, 1949, ch. 645, 62 Stat. 721.

18 U.S.C. § 599. Promise of Appointment by Candidate

Whoever, being a candidate, directly or indirectly promises or pledges the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment, for the purpose of procuring support in his candidacy shall be fined not more than $1,000 or imprisioned not more than one year, or both; and if the violation was willful, shall be fined not more than $10,000 or imprisioned not more than two years, or both.

June 25, 1948, ch. 645, 62 Stat. 721.

I. INTERNAL REVENUE CODE, POLITICAL CAMPAIGN DEBTS AND CONTRIBUTIONS (TITLE 26, UNITED STATES CODE)

CHAPTER 1, SUBCHAPTER A, PART IV—CREDITS AGAINST TAX

26 U.S.C. § 41. Contributions to Candidates for Public Office

(a) *General rule.*

In the case of an individual, there shall be allowed, subject to the limitations of subsection (b), as a credit against the tax imposed by this chapter for the taxable year, an amount equal to one-half of all political contributions and all newsletter fund contributions, payment of which is made by the taxpayer within the taxable year.

(b) *Limitations.*

(1) *Maximum credit.*—The credit allowed by subsection (a) for a taxable year shall not exceed $50 ($100, in the case of a joint return under section 6013).

(2) *Application with other credits.*—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under section 33 (relating to foreign tax credit), section 37 (relating to credit for the elderly), and section 38 (relating to investment in certain depreciable property).

(3) *Verification.*—The credit allowed by subsection (a) shall be allowed, with respect to any political contribution or newsletter fund contribution, only if such contribution is verified in such manner as the Secretary shall prescribe by regulations.

(c) *Definitions.*

For purposes of this section—

(1) *Political contribution.*—The term "political contribution" means a contribution or gift of money to—

(A) an individual who is a candidate for nomination or election to any Federal, State, or local elective public office in any primary, general, or special election, for use by such individual to further his candidacy for nomination or election to such office;

(B) any committee, association, or organization (whether or not incorporated) organized and operated exclusively for the purpose of influencing, or attempting to influence, the nomination of election of one or more individuals who are candidates for nomination or election to any Federal, State, or local elective public office, for use by such committee, association, or organization to further the candidacy of such individual or individuals for nomination or election to such office;

(C) the national committee of a national political party;

(D) the State committee of a national political party as designated by the national committee of such party; or

(E) a local committee of a national political party as designated by the State committee of such party designated under subparagraph (D).

(2) *Candidate.*—The term "candidate" means, with respect to any Federal, State, or local elective public office, an individual who—

(A) publicly announces before the close of the calendar year following the calendar year in which the contribution or gift is made that he is a candidate for nomination or election to such office; and

(B) meets the qualifications prescribed by law to hold such office.

(3) *National political party.*—The term "national political party" means—

(A) in the case of contributions made during a taxable year of the taxpayer in which the electors of President and Vice President are chosen, a political party presenting candidates or electors for such offices on the official election ballot of ten or more States, or

(B) in the case of contributions made during any other taxable year of the taxpayer, a political party which met the qualifications described in subparagraph (A) in the last preceding election of a President and Vice President.

(4) *State and local.*—The term "State" means the various States and the District of Columbia; and the term "local" means a political subdivision or part thereof, or two or more political subdivisions or parts thereof, of a State.

(5) *Newsletter fund contributions.*—The term "newsletter fund contribution" means a contribution or gift of money to a fund established and maintained by an individual who holds, has been elected to, or is a candidate for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of a newsletter.

(d) *Cross references.*

For disallowance of credits to estates and trusts, *see* § 642(a)(2).
Added Pub. L. 92-178, Title VII, § 701(a), Dec. 10, 1971, 85 Stat. 560, as amended by Pub. L. 93-625, §§ 11 (a)-(c), (e), 12(a), Jan. 3, 1975, 88 Stat. 2119, 2120; Pub. L. 94-455, Title V, § 503(b)(4), Title XIX, §§ 1901 (b)(1)(B), (H)(ii), 1906(b)(13)(A), Oct. 4, 1976, 90 Stat. 1562, 1790, 1791, 1834; Pub. L. 95-600, Title I, § 113(c), Nov. 6, 1978, 92 Stat. 2778.

CHAPTER 1, SUBCHAPTER B, PART II—ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME

26 U.S.C. § 84. Transfer of Appreciated Property to Political Organization

(a) *General rule.*

If—

(1) any person transfers property to a political organization, and

(2) the fair market value of such property exceeds its adjusted basis,

then for purposes of this chapter the transferor shall be treated as having sold such property to the political organization on the date of the transfer, and the transferor shall be treated as having realized an amount equal to the fair market value of such property on such date.

(b) *Basis of property.*

In the case of a transfer of property to a political organization to which subsection (a) applies, the basis of such property in the hands of the political organization shall be the same as it would be in the hands of the transferor, increased by the amount of gain recognized to the transferor by reason of such transfer.

(c) *Political organization defined.*

For purposes of this section, the term "political organization" has the meaning given to such term by section 527(e)(1).

Added Pub. L. 93-625, § 13(a)(1), Jan. 3, 1975, 88 Stat. 2120.

CHAPTER 1, SUBCHAPTER B, PART VI—ITEMIZED DEDUCTIONS FOR INDIVIDUALS AND CORPORATIONS

26 U.S.C. § 162. Trade or business expenses

(a) In general.

There shall be allowed as a deduction all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including—

(1) a reasonable allowance for salaries or other compensation for personal services actually rendered;

(2) traveling expenses (including amounts expended for meals and lodging other than amounts which are lavish or extravagant under the circumstances) while away from home in the pursuit of a trade or business; and

(3) rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

For purposes of the preceding sentence, the place of residence of a Member of Congress (including any Delegate and Resident Commissioner) within the State, congressional district, or possession which he represents in Congress shall be considered his home.

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Aug. 16, 1954, c. 736, 68A Stat. 45; Sept. 2, 1958, Pub. L. 85-866, Title I, § 5(a), 72 Stat. 1608; Sept. 14, 1960, Pub. L. 86-779, §§ 7(b), 8(a), 74 Stat. 1002, 1003; Oct. 16, 1962, Pub. L. 87-834, §§ 3(a), 4(b). 76 Stat. 973, 976; Dec. 30, 1969, Pub. L. 91-172, Title V, § 516(c)(2)(A), Title IX, § 902 (a), (b), 83 Stat. 648, 710; Dec. 10, 1971, Pub. L. 92-178, Title III, § 310(a), 85 Stat. 525; Oct. 4, 1976, Pub. L. 94-455, Title XIX, §§ 1901(c)(4), 1906(b)(13)(A), 90 Stat. 1803, 1834, and as amended by Pub. L. 97-51, Oct. 1, 1981.

26 U.S.C. § 218. Contributions to Candidates for Public Office and Newsletter Funds

This section was repealed by Pub. L. 95-600, § 113(a)(1), Nov. 6, 1978, 92 Stat. 2778.

CHAPTER 1, SUBCHAPTER B, PART IX—ITEMS NOT DEDUCTIBLE

26 U.S.C. § 271. Debts Owed by Political Parties, etc.

(a) *General rule.*

In the case of a taxpayer (other than a bank as defined in section 581) no deduction shall be allowed under section 166 (relating to bad debts) or under section 165(g) (relating to worthlessness of securities) by reason of the worthlessness of any debt owed by a political party.

(b) *Definitions.*

(1) *Political party.*—For purposes of subsection (a), the term "political party" means—

(A) a political party;

(B) a national, State, or local committee of a political party; or

(C) a committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of presidential or vice-presidential electors or of any individual whose name is presented for election to any Federal, State, or local elective public office whether or not such individual is elected.

(2) *Contributions.*—For purposes of paragraph (1)(C), the term "contributions" includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement to make a contribution, whether or not legally enforceable.

(3) *Expenditures.*—For purposes of paragraph (1)(C), the term "expenditures" includes a payment, distribution, loan, advance, deposit, or gifts of money, or anything of value, and includes a contract, promise or agreement to make an expenditure, whether or not legally enforceable.

(c) *Exception.*

In the case of a taxpayer who uses an accrual method of accounting, subsection (a) shall not apply to a debt which accrued as a receivable on a bona fide sale of goods or services in the ordinary course of the taxpayer's trade or business if—

(1) for the taxable year in which such receivable accrued, more than 30 percent of all receivables which accrued in the ordinary course of the trades and businesses of the taxpayer were due from political parties, and

(2) the taxpayer made substantial continuing efforts to collect on the debt.

Aug. 16, 1954, ch. 736, 68A Stat. 82 as amended Oct. 4, 1976, Pub. L. 94-455, Title XXI, § 2104(a), 90 Stat. 1901.

26 U.S.C. § 276. Certain Indirect Contributions to Political Parties

(a) *Disallowance of Deduction.*

No deduction otherwise allowable under this chapter shall be allowed for any amount paid or incurred for—

(1) advertising in a convention program of a political party, or in any other publication if any part of the proceeds of such publication directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate.

(2) admission to any dinner or program, if any part of the proceeds of such dinner or program directly or indirectly inures (or is intended to inure) to or for the use of a political party or a political candidate; or

(3) admission to an inaugural ball, inaugural gala, inaugural parade, or inaugural concert, or to any similar event which is identified with a political party or a political candidate.

(b) *Definitions.*

For purposes of this section—

(1) *Political party.*—The term "political party" means—

(A) a political party;

(B) a National, State, or local committee of a political party; or

(C) a committee, association, or organization, whether incorporated or not, which directly or indirectly accepts contributions (as defined in section 271(b)(2)) or makes expenditures (as defined in section 271(b)(3)) for the purpose of influencing or attempting to influence the selection, nomination, or election of any individual to any Federal, State, or local elective public office, or the election of presidential and vice-presidential electors, whether or not such individual or electors are selected, nominated, or elected.

(2) Proceeds inuring to or for the use of political candidates. Proceeds shall be treated as inuring to or for the use of a political candidate only if—

(A) such proceeds may be used directly or indirectly for the purpose of furthering his candidacy for selection, nomination, or election to any elective public office, and

(B) such proceeds are not received by such candidate in the ordinary course of a trade or business (other than the trade or business of holding elective public office).

(c) *Cross reference.*

For disallowance of certain entertainment, etc., expenses, *see* section 274.

Added Pub. L. 89-368, Title III, § 301(a), Mar. 15, 1966, 80 Stat. 66; and amended Pub. L. 90-364, Title I, 2 108(a), June 28, 1968, 82 Stat. 269; as amended by Pub. L. 93-443, § 406(d), Oct. 15, 1974, 88 Stat. 1296, and by Pub. L. 93-625, § 10, Jan. 3, 1975, 88 Stat. 2119.

CHAPTER 1, SUBCHAPTER F, PART VI—POLITICAL ORGANIZATIONS

26 U.S.C. § 527. Political Organizations

(a) General rule.—A political organization shall be subject to taxation under this subtitle only to the extent provided in this section. A political organization shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

(b) Tax imposed.—

(1) In general.—A tax is hereby imposed for each taxable year on the political organization taxable income of every political organization. Such tax shall be computed by multiplying the political organization taxable income by the highest rate of tax specified in section 11(b).

(2) Alternative tax in case of capital gains.—If for any taxable year any political organization has a net capital gain, then, in lieu of the tax imposed by paragraph (1), there is hereby imposed a tax (if such a tax is less than the tax imposed by paragraph (1)) which shall consist of the sum of—

(A) a partial tax, computed as provided by paragraph (1), on the political organization taxable income determined by reducing such income by the amount of such gain, and

(B) an amount determined as provided in section 1201(a) on such gain.

(c) Political organization taxable income defined.—

(1) Taxable income defined.—For purposes of this section, the political organization taxable income of any organization for any taxable year is an amount equal to the excess (if any) of—

(A) the gross income for the taxable year (excluding any exempt function income), over

(B) the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), computed with the modifications provided in paragraph (2).

(2) Modifications.—For purposes of this subsection—

(A) there shall be allowed a specific deduction of $100,

(B) no net operating loss deduction shall be allowed under section 172, and

(C) no deduction shall be allowed under pat VIII of subchapter B (relating to special deductions for corporations).

(3) Exempt function income.—For purposes of this subsection, the term "exempt function income" means any amount received as—

(A) a contribution of money or other property,

(B) membership dues, a membership fee or assessment from a member of the political organization,

(C) proceeds from a political fundraising or entertainment event, or proceeds from the sale of political campaign materials, which are not received in the ordinary course of any trade or business, or

(D) proceeds from the conducting of any bingo game (as defined in section 513(f)(2)),

to the extent such amount is segregated for use only for the exempt function of the political organization.

(d) Certain uses not treated as income to candidate.—For purposes of this title, if any political organization—

(1) contributes any amount to or for the use of any political orgainzation which is treated as exempt from tax under subsection (a) of this section,

(2) contributes any amount to or for the use of any organization described in paragraph (1) or (2) of section 509(a) which is exempt from tax under section 501(a), or

(3) deposits any amount in the general fund of the Treasury or in the general fund of any State or local government,

such amount shall be treated as an amount not diverted for the personal use of the candidate or any other person. No deduction shall be allowed under this title for the contribution or deposit of any amount described in the preceding sentence.

(e) Other definitions.—For purposes of this section—

(1) Political organization.—the Term "political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function.

(2) Exempt function.—The term "exempt function" means the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual or any Federal, State, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed.

(3) Contributions.—The term "contributions" has the meaning given to such term by section 271(b)(2).

(4) Expenditures.—The term "expenditures" has the meaning given to such term by section 271(b)(3).

(f) Exempt organization which is not political organization must include certain amounts in gross income.—

(1) In general.—If an organization described in section 501(c) which is exempt from tax under section 501(a) expends any amount during the taxable year directly (or through another organization) for an exempt function (within the meaning of subsection (e)(2)), then, notwithstanding any other provisions of law, there shall be included in the gross income of such organization for the taxable year, and shall be subject to tax under subsection (b) as if it constituted political organization taxable income, an amount equal to the lesser of—

(A) the net investment income of such organization for the taxable year, or

(B) the aggregate amount so expended during the taxable year for such an exempt function.

(2) Net investment income.—For purposes of this subsection, the term "net investment income" means the excess of—

(A) the gross amount of income from interest, dividends, rents, and royalties, plus the excess (if any) of gains from the sale or exchange of assets over the losses from the sale or exchange of assets, over

(B) the deductions allowed by this chapter which are directly connected with the production of the income referred to in subparagraph (A).

For purposes of the preceding sentence, there shall not be taken into account items taken into account for purposes of the tax imposed by section 511 (relating to tax on unrelated business income).

(3) Certain separate segregated funds.—For purposes of this subsection and subsection (e)(1), a separate segregated fund (within the meaning of section 610 of title 18 or of any similar State statute, or within the meaning of any State statute which permits the segregation of dues moneys for exempt functions (within the meaning of subsection (e)(2))) which is maintained by an organization described in section 501(c) which is exempt from tax under section 501(a) shall be treated as separate organization.

(g) Treatment of newsletter funds.—

(1) In general.—For purposes of this section, a fund established and maintained by an individual who holds, has been elected to, or is a candidate (within the meaning of section 41(c)(2)) for nomination or election to, any Federal, State, or local elective public office for use by such individual exclusively for the preparation and circulation of such individual's newsletter shall, except as provided in paragraph (2), be treated as if such fund constituted a political organization.

(2) Additional modifications.—In the case of any fund described in paragraph (1)—

(A) the exempt function shall be only the preparation and circulation of the newsletter, and

(B) the specific deduction provided by subsection (c)(2)(A) shall not be allowed.

"(h) Special Rule for Principal Campaign Committees.—

"(1) In general.—In the case of a political organization which is a principal campaign committee, paragraph (1) of subsection (b) shall be applied by substituting 'the appropriate rates' for 'the highest rate'.

"(2) Principal campaign committee defined.—

"(A) In general.—For purposes of this subsection, the term 'principal campaign committee' means the political committee designated by a candidate for Congress as his principal campaign committee for the purposes of—

"(i) section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)), and

"(B) Designation.—A candidate may have only 1 designation in effect under subparagraph (A)(ii) at any time and such designation—

"(i) shall be made at such time and in such manner as the Secretary may prescribe by regulations, and

"(ii) once made, may be revoked only with the consent of the Secretary.".

(b) Effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1981.

Added Pub. L. 93-625, § 10(a), Jan. 3, 1975, 88 Stat. 2116, and amended Pub. L. 94-455. Title XIX, § 1901(b)(33)(C), Oct. 4, 1976, 90 Stat. 1801; Pub. L. 95-502, Title III, § 302(a), Oct. 21, 1978, 92 Stat. 1702; Pub. L. 95-600, Title III, § 3.1(b)(6), Nov. 6, 1978, 92 Stat. 2821, and as amended by Pub. L. 97-34, Aug. 1, 1981.

CHAPTER 12, SUBCHAPTER A—DETERMINATION OF GIFT TAX LIABILITY

26 U.S.C. § 2501. Imposition of Tax

(a) *Taxable transfers.*—

(1) *General rule.*—A tax, computed as provided in section 2502, is hereby imposed for each calendar quarter on the transfer of property by gift during such calendar quarter by an individual, resident or nonresident.

* * * * * * *

(5) *Transfers to political organizations.*—Paragraph (1) shall not apply to the transfer of money or other property to a political organization (within the meaning of section 527(e)(1)) for the use of such organization.

Aug. 16, 1954, c. 736, 68A Stat. 403; Sept. 2, 1958, Pub. L. 85-866, Title I, §§ 43(b), 102(b), 72 Stat. 1641, 1674; Sept. 14, 1960, Pub. L. 86-779, § 4(d), 74 Stat. 1000; Nov. 13, 1966, Pub. L. 89-809, Title I, § 109(a), 80 Stat. 1574; Dec. 31, 1970, Pub. L. 91-614, Title I, § 102(a)(1), 84 Stat. 1838; Jan. 3, 1975, Pub. L. 93-625, § 14(a), 88 Stat. 2121; Oct. 4, 1976, Pub. L. 94-455, Title XIX, §§ 1902(a)(10), 1906(b)(13)(A), 90 Stat. 1805, 1834.

CHAPTER 61, PART II, SUBPART B—INCOME TAX RETURNS

26 U.S.C. § 6012. Persons Required to Make Returns of Income.

"(a) *General rule.*

Returns with respect to income taxes under subtitle A shall be made by the following:

* * * * * * *

(6) Every political organization (within the meaning of section 527(e)(1)), and every fund treated under section 527(g) as if it constituted a political organization, which has political organization taxable income (within the meaning of section 527(c)(1)) for the taxable year;

except that subject to such conditions, limitations, and exceptions and under such regulations as may be prescribed by the Secretary, nonresident alien individuals subject to the tax imposed by section 871 and foreign corporation subject to the tax imposed by section 881 may be exempted from the requirement of making returns under this section.

Aug. 16, 1954, c. 736, 68A Stat. 732; Sept. 2, 1958, Pub. L. 85-866, Title I, § 72(a), 72 Stat. 1660; Feb. 26, 1964, Pub. L. 88-272, Title II, § 206(b)(1), 78 Stat. 40; Dec. 30, 1969, Pub. L. 91-172, Title IX, § 941(a), (d), 83 Stat. 726; Dec. 10, 1971, Pub. L. 92-178, Title II, § 204(a), 85 Stat. 511; Oct. 15, 1974, Pub. L. 93-443, Title IV, § 407, 88 Stat. 1297; Jan. 3, 1975, Pub. L. 93-625, § 10(b), 88 Stat. 2119; Mar. 29, 1975, Pub. L. 94-12, Title II, § 201(b), 89 Stat. 29; Dec. 23, 1975, Pub. L. 94-164, § 2(a)(2), 89 Stat. 970; Oct. 4, 1976, Pub. L. 94-455, Title IV, § 401(b)(3), Title XIX, § 1906(b)(13)(A), Title XXI, § 2101(c), 90 Stat. 1556, 1834, 1899; May 23, 1977, Pub. L. 95-30, Title I, § 104, 91 Stat. 139; Nov. 6, 1978, Pub. L. 95-600, Title I, §§ 101(c), 102(b)(1), 105(d), Title IV, § 404(c)(8), 92 Stat. 2770, 2771, 2776, 2870; Nov. 8, 1978, Pub. L. 95-615, § 202(g)(5), 92 Stat. 3100, as amended Apr. 1, 1980, Pub. L. 96-222, Title I, § 108(a)(1)(A), 94 Stat. 223.

J. USE OF FRANKED MAIL (TITLE 39, UNITED STATES CODE)

39 U.S.C. § 3201. Definitions

As used in this chapter—

(1) "penalty mail" means official mail, other than franked mail, which is authorized by law to be transmitted in the mail without prepayment of postage;

(2) "penalty cover" means envelopes, wrappers, labels, or cards used to transmit penalty mail;

(3) "frank" means the autographic or facsimile signature of persons authorized by sections 3210–3216 and 3218 of this title to transmit matter through the mail without prepayment of postage or other indicia contemplated by sections 733 and 907 of title 44;

(4) "franked mail" means mail which is transmitted in the mail under a frank; and

(5) "Members of Congress" includes Senators, Representatives, Delegates, and Resident Commissioners.

39 U.S.C. § 3210. Franked Mail Transmitted by the Vice President, Members of Congress, and Congressional Officials

(a)(1) It is the policy of the Congress that the privilege of sending mail as franked mail shall be established under this section in order to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States.

(2) It is the intent of the Congress that such official business, activities, and duties cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of those functions.

(3) It is the intent of the Congress that mail matter which is frankable specifically includes, but is not limited to—

(A) mail matter to any person and to all agencies and officials of Federal, State, and local governments regarding programs, decisions, and other related matters of public concern or public service, including any matter relating to actions of a past or current Congress;

(B) the usual and customary congressional newsletter or press release which may deal with such matters as the impact of laws and decisions on State and local governments and individual citizens; reports on public and official actions taken by Members of Congress; and discussions of proposed or pending legislation or governmental actions and the positions of the Members of Congress on, and arguments for or against, such matters;

(C) the usual and customary congressional questionnaire seeking public opinion on any law, pending or proposed legislation, public issue, or subject;

(D) mail matter dispatched by a Member of Congress between his Washington office and any congressional district offices, or between his district offices;

(E) mail matter directed by one Member of Congress to another Member of Congress or to representatives of the legislative bodies of State and local governments;

(F) mail matter expressing congratulations to a person who has achieved some public distinction;

(G) mail matter, including general mass mailings, which consists of Federal laws, Federal regulations, other Federal publications, publications purchased with Federal funds, or publications containing items of general information;

(H) mail matter which consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner;

(I) mail matter which constitutes or includes a biography or autobiography of any Member of, or Member-elect to, Congress or any biographical or autobiographical material concerning such Member or Member-elect or the spouse or other members of the family of such Member or Member-elect, and which is so mailed as part of a Federal publication or in response to a specific request therefor and is not included for publicity purposes in a newsletter or other general mass mailing of the Member or Member-elect under the franking privilege; or

(J) mail matter which contains a picture, sketch, or other likeness of any Member or Member-elect and which is so mailed as a part of a federal publication or in response to a specific request therefor and, when contained in a newsletter or other general mass mailing of any Member or Member-elect, is not of such size, or does not occur with such frequency in the mail matter concerned, as to lead to the conclusion that the purpose of such picture, sketch, or likeness is to advertise the Member or Member-elect rather than to illustrate accompanying text.

(4) It is the intent of the Congress that the franking privilege under this section shall not permit, and may not be used for, the transmission through the mails as franked mail, of matter which in its nature is purely personal to the sender or to any other person and is unrelated to the official business activities, and duties of the public officials covered by subsection (b)(1) of this section.

(5) It is the intent of the Congress that a Member of or Member-elect to Congress may not mail as franked mail—

(A) mail matter which constitutes or includes any article, account, sketch, narration, or other text laudatory and complimentary of any member of, or Member-elect to, Congress on a purely personal or political basis rather than on the basis of performance of official duties as a Member or on the basis of activities as a Member-elect;

(B) mail matter which constitutes or includes—

(i) greetings from the spouse or other members of the family of such Member or Member-elect, unless it is a brief reference in otherwise frankable mail:

(ii) reports of how or when such Member or Member-elect, or the spouse or any other member of the family of such Member or Member-elect, spends time other than in the performance of, or in connection with, the legislative, representative, and other official functions of such Member or the activities of such Member-elect as a Member-elect; or

(iii) any card expressing holiday greetings from such Member or Member-elect; or

(C) mail matter which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office.

(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail—

(i) if the mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection; or

(ii) in the case of a Member of, or Member-elect to, the House who is a candidate for any other public office, if the mass mailing—

(I) is prepared for delivery within any portion of the jurisdiction of or the area covered by the public office which is outside the area constituting the congressional district from which the Member or Member-elect was elected; or

(II) is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) in which the Member or Member-elect is a candidate for any other public office.

(B) Any mass mailing which is mailed by the chairman of any organization referred to in the last sentence of section 3215 of this title which relates to the normal and regular business of the organization may be mailed without regard to the provisions of this paragraph.

(C) No Member of the Senate may mail any mass mailing as franked mail if such mass mailing is mailed fewer than 60 days immediately before the date of any primary election or general election (whether regular, special, or runoff) for any national, State or local office in which such Member is a candidate for election.

(D) The Select Committee on Ethics of the Senate and the House Commission on Congressional Mailing Standards shall prescribe for their respective Houses rules and regulations, and shall take other action as the Committee or the Commission considers necessary and proper for Members and Members-elect to comply with the provisions of this paragraph and applicable rules and regulations. The rules and regulations shall include provisions prescribing the time within which mailings shall be mailed at or delivered to any postal facility and the time when the mailings shall be deemed to have been mailed or delivered to comply with the provisions of this paragraph.

(E) For purposes of this section, the term "mass mailing" means newsletters and similar mailings of more than five hundred pieces in which the content of the matter mailed is substantially identical but shall not apply to mailings—

(i) which are in direct response to communications from persons to whom the matter is mailed;

(ii) to colleagues in the Congress or to government officials (whether Federal , State, or local); or

(iii) of news releases to the communications media.

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), and the Legislative Counsels of the House of Representatives and the Senate, and the Senate Legal Counsel may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), or the Legislative Counsel of the House of Representatives or the Senate, or the Senate Legal Counsel, any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.

(c) Franked mail may be in any form appropriate for mail matter, including, but not limited to, correspondence, newsletters, questionnaires, recordings, facsimiles, reprints, and reproductions. Franked mail shall not include matter which is intended by Congress to be non-mailable as franked mail under subsection (a)(4) and (5) of this section.

(d)(1) A Member of Congress may mail franked mail with a simplified form of address for delivery—

(A) within that area constituting the congressional district or State from which he was elected; and

(B) with respect to a Member of the House of Representatives on and after the date on which the proposed redistricting of congressional districts in his State by legislative or judicial proceedings is initially completed (whether or not the redistricting is actually in effect), within any additional area of each congressional district proposed or established in such redistricting and containing all or part of the area constituting the congressional district from which he was elected, unless and until the congressional district so proposed or established is changed by legislative or judicial proceedings.

(2) A Member-elect to the Congress may mail franked mail with a simplified form of address for delivery within that area constituting the congressional district or the State from which he was elected.

(3) A Delegate, Delegate-elect, Resident Commissioner, or Resident Commissioner-elect to the House of Representatives may mail franked mail with a simplified form of address for delivery within the area from which he was elected.

(4) Any franked mail which is mailed under this subsection shall be mailed at the equivalent rate of postage which assures that the mail will be sent by the most economical means practicable.

(5) The Senate Committee on Rules and Administration and the House Commission on Congressional Mailing Standards shall prescribe for their respective House rules and regulations governing any franked mail which is mailed under this subsection and shall by regulation limit the number of such mailings allowed under this subsection.

(6)(A) Any Member of, or Member-elect to, the House of Representatives entitled to make any mailing as franked mail under this subsection shall, before making any mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(B) The Senate Select Committee on Ethics may require any Member of, or Member-elect to, the Senate entitled to make any mailings as franked mail under this subsection to submit a sample or description of the mail matter to the Committee for an advisory opinion as to whether the proposed mailing is in compliance with the provisions of this subsection.

(b) This section shall become effective 120 days after the date of enactment of this Act.

(7) Franked mail mailed with a simplified form of address under this subsection—

(A) shall be prepared as directed by the Postal Service; and

(B) may be delivered to—

(i) each box holder or family on a rural or star route;

(ii) each post office box holder; and

(iii) each stop or box on a city carrier route.

(8) For the purposes of this subsection, a congressional district includes, in the case of a Representative at Large or Representative at Large-elect, the State from which he was elected.

(e) The frankability of mail matter shall be determined under the provisions of this section by the type and content of the mail sent, or to be sent.

(f) Any mass mailing which otherwise would be permitted to be mailed as franked mail under this section shall not be so mailed unless the cost of preparing and printing the mail matter is paid exclusively from funds appropriated by Congress, except that an otherwise frankable mass mailing may contain, as an enclosure or supplement, any public service material which is purely instructional or informational in nature, and which in content is frankable under this section.

(g) Notwithstanding any other provision of Federal, State, or local law, or any regulation thereunder, the equivalent amount of postage determined under section 3216 of this title on franked mail mailed under the frank of the Vice President or a Member of Congress, and the cost of preparing or printing such frankable matter for such mailing under the frank, shall not be considered as a contribution to, or an expenditure by, the Vice President or a Member of Congress for the purpose of determining any limitation on expenditures or contributions with respect to any such official, imposed by any Federal, State, or local law or regulation, in connection with any campaign of such official or election to any Federal office.

Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; amended Pub. L. 92-51, § 101, July 9, 1971, 85 Stat. 132; Pub. L. 93-191, § 1(a), Dec. 18, 1973, 87 Stat. 737; Pub. L. 94-177, Dec. 23, 1975, 89 Stat. 1032; Pub. L. 95-521, Oct. 26, 1978, 92 Stat. 1884) and as amended by Pub. L. 97-69, Oct. 26, 1981.

39 U.S.C. § 3211. Public Documents

The Vice President, Members of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House) during the 90-day period immediately following the expiration of their respective terms of office, may send and receive as franked mail all public documents printed by order of Congress.

Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; amended Pub. L. 93-191, § 2, Dec. 18, 1973, 87 Stat. 741, and as amended by Pub. L. 97-69, Oct. 26, 1981.

39 U.S.C. § 3212. Congressional Record Under Frank of Members of Congress

(a) Members of Congress may send the Congressional Record as franked mail.

(b) Members of Congress may send, as franked mail, any part of, or a reprint any part of, the Congressional Record, including speeches or reports contained therein, if such matter is mailable as franked mail under section 3210 of this title.

Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; amended Pub. L. 93-191, § 3, Dec. 18, 1973, 87 Stat. 741.

39 U.S.C. § 3213. Seeds and reports from Department of Agriculture

Seeds and agricultural reports emanating from the Department of Agriculture may be mailed—

(1) as penalty mail by the Secretary of Agriculture; and

(2) during the 90-day period immediately following the expiration of their terms of office, as franked mail by Members of Congress.

Pub. L. 91-375, Aug. 12, 1970, § 2, 84 Stat. 754, and as amended by Pub. L. 97-69, Oct. 26, 1981.

39 U.S.C. § 3215. Lending or Permitting Use of Frank Unlawful

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any standing, select, special, or joint committee, or subcommittee thereof, or commission, of the Senate, House of Representatives, or Congress, composed of Members of Congress, or to the Democratic caucus or the Republican conference of the House of Representatives or of the Senate.

Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; amended Pub. L. 93-191, § 10, Dec. 18, 1973, 87 Stat. 746.

39 U.S.C. § 3216. Reimbursement for Franked Mailings

(a) The equivalent of—

(1) postage on, and fees and charge in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, and the Senate Legal Counsel; and

(B) by the survivors of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

(b) Postage on, and fees and charges in connection with, mail matter sent through the mails under section 3214 of this title shall be paid each fiscal year, out of any appropriation made for that purpose, to the Postal Service as postal revenue in an amount equivalent to the postage, fees, and charges which would otherwise be payable on, or in connection with, such mail matter.

(c) Payment under subsection (a) or (b) of this section shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith.

(d) Money collected for matter improperly mailed under the franking privilege shall be deposited as miscellaneous receipts in the general fund of the Treasury.

Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 754; Pub. L. 92-51, §101, July 9, 1971, 85 Stat. 132; Pub. L. 93-191, §7, Dec. 18, 1973, 87 Stat. 745; Pub. L. 93-255, §2(a), Mar. 27, 1974, 88 Stat. 52; Pub. L. 95-525, §714(b), Oct. 26, 1978, 92 Stat. 1884, and as amended by Pub. L. 97-69 Oct. 26, 1981.

39 U.S.C. §3218. Franked mail for survivors of Members of Congress.

Upon the death of a Member of Congress during his term of office, the surviving spouse of such Member (or, if there is no surviving spouse, a member of the immediate family of the Member designated by the Secretary of the Senate or the Clerk of the House of Representatives, as appropriate, in accordance with rules and procedures established by the Secretary or the Clerk) may send, for a period not to exceed 180 days after his death, as franked mail, nonpolitical correspondence relating to the death of the Member.

Pub. L. 91-375, Aug. 12, 1970, §2, 84 Stat. 755; Pub. L. 93-191, Dec. 18, 1973, §11, 87 Stat. 746, and as amended by Pub. L. 97-69, Oct. 26, 1981.

39 U.S.C. §3219. Mailgrams.

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, or the Senate Legal Counsel, and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title.

Added Pub. L. 93-191, §12(a), Dec. 18, 1973, 87 Stat. 746, and amended Pub. L. 95-521, Title VII, §714(c), Oct. 26, 1978, 92 Stat. 1884.

Advisory Opinions (Title 2, United States Code) re Franking Privilege

2 U.S.C. §502. Select Committee on Ethics of the Senate

(a) *Advisory opinions of consultations respecting franked mail for persons entitled to franking privilege; franking privilege regulations.*

The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3213(2), 3218, or 3219 and in connection with the operation of section 3215, of Title 39 upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) *Complaint of franked mail violations; investigation; notice and hearing; decision of select committee; enforcement.*

Any complaint filed by any person with the select committee that a violation of any section of Title 39 referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by the complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) *Administrative or judicial jurisdiction of civil actions respecting franking law violations or abuses of franking privilege dependent on filing of complaint with select committee and rendition of decision by such committee.*

Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) *Administrative procedure regulations.*

The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interest. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of Title 5. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) *Property of Senate; records of select committee; voting record; location of records, data, and files.*

The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

Pub. L. 93-191, §6, Dec. 18, 1973, 87 Stat. 743; amended Pub. L. 93-255, §3(b), Mar. 27, 1974, 88 Stat. 52.

K. COMMUNICATIONS MEDIA (TITLE 47, UNITED STATES CODE)

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47 U.S.C. § 312. Administrative Sanctions—Revocation of Station License or Construction Permit

(a) The Commission may revoke any station license or construction permit—

* * * * * * *

(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.

Sec. 312(a)(7) added by Pub. L. 92–225, Title I, § 103(a)(2)(A), Feb. 7, 1972, 86 Stat. 4.

47 U.S.C. § 315. Candidates for Public Office

(a) *Equal opportunities requirement; censorship prohibition; allowance of station use; news appearances exception; public interest; public issues discussion opportunities.*

If any licnsee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided,* That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast,
(2) bona fide news interview,
(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
(4) on-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverge of news events, from the obligation imposed upon them under this chapter to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

(b) *Broadcast media rates.*

The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

(2) at any other time, the charges made for comparable use of such station by other users thereof.

(c) *Definitions.*

For purposes of this section—

(1) the term "broadcasting station" includes a community antenna television system; and

(2) the terms "licensee" and "station licensee", when used with respect to a community antenna television system mean the operator of such system.

(d) *Rules and regulations.*

The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.

June 19, 1934, c.652, Title III, §315, 48 Stat. 1088; July 16, 1952, c.879 §11, 66 Stat. 717; Pub. L. 86-274, §1, Sept. 14, 1959, 73 Stat. 557; Pub. L. 92-225, Title I, §103(a)(1), (2)(B), 104(c), Feb. 7, 1972, 86 Stat. 4, 7; Pub. L. 93-443, Title IV, §402, Oct. 15, 1974, 88 Stat. 1291.

PART II

STANDING RULES OF THE SENATE RELATING TO THE ELECTION OF SENATORS

STANDING RULES OF THE SENATE RELATING TO THE ELECTION OF SENATORS

A. RULE II

PRESENTATION OF CREDENTIALS AND QUESTIONS OF PRIVILEGE

1. The presentation of the credentials of Senators elect or of Senators designate and other questions of privilege shall always be in order, except during the reading and correction of the Journal, while a question of order or a motion to adjourn is pending, or while the senate is voting or ascertaining the presence of a quorum; and all questions and motions arising or made upon the presentation of such credentials shall be proceeded with until disposed of.

2. The Secretary shall keep a record of the certificates of election and certificates of appointment of Senators by entering in a well-bound book kept for that purpose the date of the election or appointment, the name of the person elected or appointed, the date of the certificate, the name of the governor and the secretary of state signing and countersigning the name, and the State from which such Senator is elected or appointed.

3. The Secretary of the Senate shall send copies of the following recommended forms to the governor and secretary of state of each State wherein an election is about to take place or an appointment is to be made so that they may use such forms if they see fit.

THE RECOMMENDED FORMS FOR CERTIFICATES OF ELECTION AND CERTIFICATE OF APPOINTMENT ARE AS FOLLOWS:

"CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

"*To the President of the Senate of the United States:*

"This is to certify that on the — day of ——, 19—, A——— B——— was duly chosen by the qualified electors of the State of ——— a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 19—.

"Witness: His excellency our governor ———, and our seal hereto affixed at ——— this — day of ———, in the year of our Lord 19—.

"By the governor:

"C——— D———,
"*Governor.*
"E——— F———,
"*Secretary of State.*"

"CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

"*To the President of the Senate of the United States:*

"This is to certify that on the — day of ——, 19--, A——— B——— was duly chosen by the qualified electors of the State of ——— a Senator for the unexpired term ending at noon on the 3d day of January, 19—, to fill the vacancy in the representation from said State in the Senate of the United States caused by the ——— of C———— D————.

"Witness: His excellency our governor ———, and our seal hereto affixed at ——— this — day of ———, in the year of our Lord 19—.

"By the governor:

"E——— F———,
Governor.
"G——— H———,
"*Secretary of State.*"

"CERTIFICATE OF APPOINTMENT

"*To the President of the Senate of the United States:*

"This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ———, I, A——— B———, the governor of said State, do hereby appoint C——— D——— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the ——— of E——— F———, is filled by election as provided by law.

"Witness: His excellency our governor ———, and our seal hereto affixed at ——— this — day of ———, in the year of our Lord 19—.

"By the governor:

"G——— H———,
Governor.
"I——— J———,
"*Secretary of State.*"

B. RULE III

OATHS

The oaths or affirmations required by the Constitution and prescribed by law shall be taken and subscribed by each Senator, in open Senate, before entering upon his duties.

OATH REQUIRED BY THE CONSTITUTION AND BY LAW TO BE TAKEN BY SENATORS

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God. (5 U.S.C. 3331.)

C. RULE XXXIV

PUBLIC FINANCIAL DISCLOSURE

For purposes of this rule, the provisions of title I of the Ethics in Government Act of 1978 shall be deemed to be a rule of the Senate as it pertains to Members, officers, and employees of the Senate. [See 2 U.S.C. §§701-709, *supra.*]

D. RULE XXXV

GIFTS

1. (a) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national unless, in an unusual case, a waiver is granted by the Select Committee on Ethics. In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $100 during a calendar year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individual to such person, organization, or corporation during that calendar year.

(b) For purposes of subparagraph (a), only the following shall be deemed to have a direct interest in legislation before the Congress:

(1) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

(2) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

(c) The prohibitions of subparagraph (a) do not apply to gifts—

(1) from relatives;

(2) with a value of less than $35;

(3) of personal hospitality of an individual or;

(4) from an individual who is a foreign national if that individual is not acting, directly or indirectly, on behalf of a foreign corporation, partnership or business enterprise, a foreign trade, cultural, educational or other association, a foreign political party or a foreign government.

2. For purposes of this rule—

(a) the term "gift" means a payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but does not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provided such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, (6) meals, beverages, or entertainment are not consumed or enjoyed in connection with a gift of overnight lodging, or (7) anything of value given to a spouse or dependent of a reporting individual by the empoloyer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

(b) the term "relative" has the same meaning given to such term in section 107(2) of title I of the Ethics in Government Act of 1978 (Public Law 95-521). [2 U.S.C. § 707(2).]

3. If a Member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph 1, such Member, officer, or employee shall, upon learning of the nature of the gift and its source, return the gift or if it is not possible to return the gift, reimburse the donor for the value of the gift.

4. (a) Notwithstanding the provisions of this rule, a Member, officer, or employee of the Senate may participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization if such participation is not in violation of any law and if the Select Committee on Ethics has determined that participation is such program by Members, officers, or employees of the Senate is in the interests of the Senate and the United States.

(b) Any Member who accepts an invitation to participate in any such program shall notify the Select Committee in writing of his acceptance. A Member shall also notify the Select Committee in writing whenever he has permitted any officer or employee whom he supervises (within the meaning of paragraph 11 of rule XXXVII) to participate in any such program. Prior to the beginning of any such program, the chairman of the Select Committee shall place in the Congressional Record a list of all individuals participating; the supervisors of such individuals, where applicable; and the nature and itinerary of such program.

(c) No Member, officer, or employee may accept funds in connection with participation in a program permitted under subparagraph (a) if such funds are not used for necessary food, lodging, transportation, and related expenses of the Member, officer, or employee.

E. RULE XXXVII

CONFLICT OF INTEREST

1. A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt or accrual of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee.

2. No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties.

3. No officer or employee shall engage in any outside business or professional activity or employment for compensation unless he has reported in writing when such activity or employment commences and on May 15 of each year thereafter so long as such activity or employment continues, the nature of such activity or employment to his supervisor. The supervisor shall then, in the discharge of his duties, take such action as he considers necessary for the avoidance of conflict of interest or interference with duties to the Senate.

4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

5. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall (a) affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; (b) permit that individual's name to be used by such firm, partnership, association or corporation; or (c) practice a profession for compensation to any extent during regular office hours of the Senate office in which employed. For the purposes of this paragraph, "professional services" shall include but not be limited to those which involve a fiduciary relationship.

6. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall serve as an officer or member of the board of any publicly held or publicly regulated corporation,

financial institution, or business entity. The preceding sentence shall not apply to service of a Member, officer, or employee as—

(a) an officer or member of the board of an organization which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954, if such service is performed without compensation;

(b) an officer or member of the board of an institution or organization which is principally available to Members, officers, or employees of the Senate, or their families, if such service is performed without compensation; or

(c) a member of the board of a corporation, institution, or other business entity, if (1) the Member, officer, or employee had served continuously as a member of the board thereof for at least two years prior to his election or appointment as a Member, officer, or employee of the Senate, (2) the amount of time required to perform such service is minimal, and (3) the Member, officer, or employee is not a member of, or a member of the staff of any Senate committee which has legislative jurisdiction over any agency of the Government charged with regulating the activities of the corporation, institution, or other business entity.

7. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall divest himself of any substantial holdings which may be directly affected by the actions of the committee for which he works, unless the Select Committee, after consultation with the employee's supervisor, grants permission in writing to retain such holdings or the employee makes other arrangements acceptable to the Select Committee and the employee's supervisor to avoid participation in committee actions where there is a conflict of interest, or the appearance thereof.

8. If a Member, upon leaving office, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, he shall not lobby Members, officers, or employees of the Senate for a period of one year after leaving office.

9. If an employee on the staff of a Member, upon leaving that position, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the Member for whom he worked or that Member's staff for a period of one year after leaving that position. If an employee on the staff of a committee, upon leaving his position, becomes such a registered lobbyist or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the members of the committee for which he worked, or the staff of that committee, for a period of one year after leaving his position.

10. For purposes of this rule—

(a) "employee of the Senate" includes an employee or individual described in paragraphs 2, 3, and 4(c) of rule XLI;

(b) an individual who is an employee on the staff of a subcommittee of a committee shall be treated as an employee on the staff of such committee; and

(c) the term "lobbying" means any oral or written communication to influence the content or disposition of any issue before Congress, including any pending or future bill, resolution, treaty, nomination, hearing, report, or investigation; but does not include—

(1) a communication (i) made in the form of testimony given before a committee or office of the Congress, or (ii) submitted for inclusion in the public record, public docket, or public file of a hearing; or

(2) a communication by an individual, acting solely on his own behalf, for redress of personal grievances, or to express his personal opinion.

11. For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

F. RULE XXXVIII

PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

1. No Member may maintain or have maintained for his use an unofficial office account. The term "unofficial office account" means an account or repository into which funds are received for

the purpose, at least in part, of defraying otherwise unreimbursed expenses allowable in connection with the operation of a Member's office. An unofficial office account does not include, and expenses incurred by a Member in connection with his official duties shall be defrayed only from—

(a) personal funds of the Member;

(b) official funds specifically appropriated for that purpose;

(c) funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

(d) funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement.

2. No contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member or any former Member. For the purposes of this rule "personal use" does not include reimbursement of expenses incurred by a Member is connection with his official duties.

G. RULE XXXIX

FOREIGN TRAVEL

1. Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) shall be received for the purpose of travel outside the United States by any Member of the Senate whose term will expire at the end of a Congress after—

(a) the date of the general election in which his successor is elected; or

(b) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

2. No Member, officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)) for any expense for which the individual has received reimbursement from any other source; nor may such Member, officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, officer, or employee shall use any funds furnished to him to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

A per diem allowance provided a Member, officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the reponsibility of the Member, officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

H. RULE XL

FRANKING PRIVILEGE AND RADIO AND TELEVISION STUDIOS

1. A Senator or an individual who is a candidate for nomination for election, or election, to the Senate may not use the frank for any mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code) if such mass mailing is mailed at or delivered to any postal facility less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office or the individual is a candidate for Senator.

2. A Senator shall use only official funds of the Senate, including his official Senator allowances, to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank.

3. (a) When a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, a description of the group or groups of persons to whom the mass mailing was mailed.

(b) The Secretary of the Senate shall promptly make available for public inspection and copying a copy of the mail matter registered, and a description of the group or groups of persons to whom the mass mailing was mailed.

4. Nothing in this rule shall apply to any mailing under the frank which is (a) in direct response to inquires or requests from persons to whom the matter is mailed; (b) addressed to colleagues in Congress or to government officials (whether Federal, State, or local); or (c) consists entirely of news releases to the communciations media.

5. The Senate computer facilities shall not be used (a) to store, maintain, or otherwise process any lists or categories of lists of names and addresses identifying the individuals included in such lists as campaign workers or contributors, as members of a political party, or by any other partisan political designation, (b) to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration, or (c) to produce mailing labels for mass mailings, or computer tapes and discs, for use other than in service facilities maintained and operated by the Senate or under contract to the Senate. The Committee on Rules and Administration shall prescirbe such regulations not inconsistent with the purposes of this paragraph as it determines necessary to carry out such purposes.

6. (a) The radio and television studios provided by the Senate or by the House of Representatives may not be used by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate less than sixty days immediately before the

date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office or that individual is a condidate for Senator.

(b) This paragraph shall not apply if the facilities are to be used at the request of, and at the expense of, a licensed broadcast organization or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

I. RULE XLI

POLITICAL FUND ACTIVITY; DEFINITIONS

1. No officer or employee of the Senate may receive, solicit, be a custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election, or any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to two assistants to a Senator, at least one of whom is in Washington, District of Columbia, who have been designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who are compensated at an annual rate in excess of $10,000 if such designation has been made in writing and filed with the Secretary of the Senate and if each such assistant files a financial statement in the form provided under rule XXXIV for each year during which he is designated under this rule. The Secretary of the Senate shall make the designation available for public inspection.

2. For purposes of the Senate Code of Official Conduct—

(a) an employee of the Senate includes any employee whose salary is disbursed by the Secretary of the Senate; and

(b) the compensation of an officer or employee of the Senate who is a reemployed annuitant shall include amounts received by such officer or employee as an annuity, and such amounts shall be treated as disbursed by the Secretary of the Senate.

3. Before approving the utilization by any committee of the Senate of the services of an officer or employee of the Government in accordance with paragraph 2(d) of rule XXVII or with an authorization provided by Senate resolution, the Committee on Rules and Administration shall require such officer or employee to agree in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. Any such officer or employee shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation he is receiving as an officer or employee of the Government.

4. No Member, officer, or employee of the Senate shall utilize the full-time services of an individual for more than ninety days in a calendar year in the conduct of official duties of any committee or office of the Senate (including a Member's office) unless such individual—

(a) is an officer or employee of the Senate,

(b) is an officer or employee of the Government (other than the Senate), or

(c) agrees in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate.

Any individual to whom subparagraph (c) applies shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation which such individual is receiving from any source for performing such services.

5. In exceptional circumstances for good cause shown, the Select Committee on Ethics may waive the applicability of any provision of the Senate Code of Official Conduct to an employee hired on a per diem basis.

6. (a) The supervisor of an individual who performs services for any Member, committee, or office of the Senate for a period in excess of four weeks and who receives compensation therefor from any source other than the United States Government shall report to the Select Committe on Ethics with respect to the utilization of the services of such individual.

(b) A report under subparagraph (a) shall be made with respect to an individual—

(1) when such individual begins performing services described in such subparagraph;

(2) at the close of each calendar quarter while such individual is performing such services; and

(3) when such individual ceases to perform such services.

Each such report shall include the identity of the source of the compensation received by such individual and the amount or rate of compensation paid by such source.

(c) No report shall be required under subparagraph (a) with respect to an individual who normally performs services for a Member, committee, or office for less than eight hours a week.

(d) For purposes of this paragraph, the supervisor of an individual shall be determined under paragraph 11 of rule XXXVII.

PART III

ANALYSIS OF STATE ELECTION LAWS RELATING TO CANDIDATES FOR THE UNITED STATES SENATE

ALABAMA

Unless otherwise designated, references are to the Code of Alabama 1975 Annotated, 1977 main volume and to the 1981 Cumulative Supplement.

The State of Alabama will not be holding senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its senatorial elections.

Primary Elections, when held (by parties polling over 20 percent of State vote) (optional) (§§ 17-16-1, 17-16-2, 17-16-5).

If held, primary election shall be held on the first Tuesday after the first Monday in September (§ 17-16-6, Supp.); if no candidate has majority, second primary shall be held on the third Tuesday thereafter (*ibid.;* § 17-16-35, Supp.).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy.—File with chairman of State executive committee not later than 5 p.m. on 60th day before primary (§ 17-16-11, Supp.).

Convention, caucus, or mass meeting, certificate of nominations.—File with Secretary of State on or before 5:00 p.m. on day of first primary election (§ 17-7-1(a)(2), Supp.).

Independent candidate

Candidate petition.—Petition bearing signatures of one percent of total registered voters in the State must be filed with Secretary of State no later than 5:00 p.m. on the day of the first primary election (§ 17-7-1(a)(3), Supp.).

Filing Fees and Assessments.

May be assessed by parties on candidates able to pay.

Amount.—Not to exceed $600.

Date of payment.—Apparently as set by party.

To whom paid.—Apparently as set by party (§ 17-16-15).

Crossfiling by Candidates.

Prohibited. Candidate must pledge to support party (§§ 17-16-12, 17-16-18).

Subversive Parties Barred from Ballot.

No provisions were found.

Offenses.

Unlawful solicitation of votes, corruptly influencing voters, bribery (§§ 17-22-2, 17-22-3. (Supp.), 17-23-3, 17-23-4, 17-23-5).

Intimidation of or hindering voters (§§ 17-22-2, 17-22-3 (Supp.), 17-23-8).

Loitering about polling place; standing in line of voters after having voted (§ 17-7-19).

Advertising and other printed matter without name and address of person or committee causing same to be published (§ 17-22-13).

Solicitation of funds from candidate by various organizations and persons (§ 17-22-3, Supp.).

Paid advertisement in newspaper without designation of same as paid advertisement or without name or address of person causing same to be published (§ 17-22-14).

Contributing toward expense of maintaining person at any domicile in order to secure his vote (§ 17-22-3, Supp.).

Gift or promise of a bribe to a person to vote or not to vote (§ 17-23-3), or anything of value to influence his vote (§§ 17-23-4, 17-23-5).

Intoxicating liquors, drinking by election officers during election (§ 17-6-16), or gift of, to voter to influence election (§§ 17-23-4, 17-23-5).

Election coercion or intimidation by employer, whether person (§ 17-23-10) or corporation (§ 17-23-11).

Failure of election officer to perform duties (§§ 17-22-3 (Supp.), 17-6-14).

Altering or changing vote of elector (§ 17-23-7).

Unlawful registration generally (§ 17-4-139, Supp.).

Suppressing nomination (§ 17-7-4).

Voting without registration and taking oath (§ 17-7-12).

Disclosing votes (§ 17-8-12).

Deceiving elector in preparation of ballot (§ 17-8-31).

Inspector refusing to provide assistance to those entitled to receive it, etc. (§ 17-8-32).

Disclosing or removing ballot; interfering with or influencing elector; elector remaining in voting booth longer than allowed by law (§ 17-8-41).

Tampering with voting machines, misuse of machines, unauthorized possession of keys, etc. (§ 17-9-40).

Changing absentee ballots, unauthorized assistance to voter, unlawful use of absentee ballot, etc. (§ 17-10-17, Supp.); willfully refusing to perform duties as to absentee voters (§ 17-10-18); probate judges volunteering suggestions as to ballots for absentee voters (§ 17-10-20).

False oath by challenged voter (§ 17-12-6).

Excluding or receiving votes unlawfully (§§ 17-12-7, 17-12-8).

Failure to make election returns (§ 17-14-26).

Various primary election violations; assessment of unauthorized fees against candidates (§ 17-16-16); unauthorized voter assistance (§ 17-16-28); divulging vote by those assisting qualified voter (§ 17-16-29); intoxication at polling place (§ 17-16-47); false or fraudulent returns (§ 17-16-48); comparing poll list with ballot (§ 17-16-49); opening poll list (§ 17-16-50); voting more than once (§ 17-16-51); changing or altering returns of primary (§ 17-16-52); failure to place candidate's name on ballot (§ 17-16-53); failure of primary election officer to serve (§ 17-16-54); inspector marking ballot, electioneering with voter or divulging how elector voted (§ 17-16-55).

Write-in Provisions.

Permitted in general election (§ 17-8-20); on voting machines in general elections (§ 17-9-7).

Tax Provisions.

Tax deductions for political contributions are expressly disallowed (Tax. Reg. 385.17).

Vacancy in Office.

The Governor may make temporary appointment of a Senator in the Senate of the Congress of the United States from Alabama, whenever a vacancy exists in that office, the appointee to hold office until his successor is elected and qualified (§ 36-9-7).

Whenever a vacancy occurs in the office of Senator of and from the State of Alabama in the Senate of the United States more than 4 months before a general election, the Governor of Alabama shall forthwith order an election to be held by the qualified electors of the State to elect a Senator of and from the State of Alabama to the United States Senate for the unexpired term. If the vacancy occurs within 4 months of but before 60 days before a general election, the vacancy shall be filled at that election. If the vacancy occurs within 60 days before a general election, the Governor shall order a special election to be held on the first Tuesday after the lapse of 60 days from and after the day on which the vacancy is known to the Governor, and the Senator elected at such special election shall hold office for the unexpired term (§ 36-9-8).

The Governor must give notice of a special election to elect a Senator for an unexpired term in the same manner and for the same time as is prescribed for special elections to fill a vacancy in the office of Members of the House of Representatives (§ 36-9-9), i.e., by proclamation (§ 17-18-4). For special election procedures, see §§ 17-18-1—17-18-7.

ALASKA

Unless otherwise indicated, references are to Alaska Statutes Annotated, December 1976 main volume and October 1980 Cumulative Supplement.

The State of Alaska will not be holding senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its senatorial elections.

Primary Elections, when held.

Fourth Tuesday in August in every even-numbered year (§ 15.25.020).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy.—Candidate should file on or before June 1 prior to the primary. File with director of elections or an election supervisor (§§ 15.25.030, 15.25.040(a), (c), Supp.). The declaration is filed by either—

(1) the actual physical delivery of the declaration by mail or in person at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office, or

(2) the actual physical delivery by telegram of a copy in substance for specified parts of the statement at or before 5:00 p.m., prevailing time, June 1 of the year in which a general election is held for the office and also the actual physical delivery of the entire declaration by registered mail which is

received not more than 15 days after that time (§ 15.25.040(a), Supp.).

Independent candidates

"No-party candidates".—Petition signed by not less than three percent of the number of votes cast in the preceding general election, should be filed with director of elections on or before 5:00 p.m. on June 1 in election year (§§ 15.25.140–15.25.200, Supp.).

Filing Fees and Assessments—*Primary Candidates* (§§ 15.25.050, Supp.).

Amount.—$100.

Date of payment.—At a time of filing declaration of candidacy.

To whom paid.—Director of elections.

Crossfiling by candidates.

Declaration of candidacy must state that the candidate is not a candidate for any other office to be voted on at the primary or general election and that he has not filed another declaration of candidacy or nominating petition for the office for which this declaration is filed (§ 15.25.030(14), Supp.).

Subversive Parties Barred from Ballot.

No specific provisions, but persons advocating forceful overthrow of government, or members of parties advocating such, are not qualified for public office (Const. of Alaska, Art. XII, § 4).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 15.56.030, Supp.).

Intimidation of or hindering voter (§ 15.56.030, Supp.).

Gift or promise of money or anything of value to person to vote or refrain from voting for any candidate (§ 15.56.030, Supp.).

Printed matter without name or address of author and printer (§ 15.56.010, Supp.).

Advertising, printed matter, or radio broadcast containing false charge or comment as to candidate (§ 15.56.010, Supp.).

Refusal of employer to allow time off for voting without loss of pay, if voter has insufficient time outside working hours (§ 15.56.100, Supp.).

Intoxicating liquor, sale on election day (§ 4.16.070(a)).

Electioneering near polls on election day (§ 15.56.020, Supp.).

Improper possession of ballot (§ 15.56.035(a)(1), Supp.).

Counterfeiting of ballot (§ 15.56.035(a)(2), Supp.).

Voting in false name (§ 15.56.040(a)(1), Supp.).

Undue influence of election official (§ 15.56.060(a)(1), Supp.).

Improper change of election returns (§ 15.56.070(a)(2), Supp.).

Improper delay in sending of election materials (§ 15.56.060(a)(3), Supp.).

Voting more than once (§ 15.56.040(a)(2), Supp.).

Improper subscription to petition (§ 15.56.090, Supp.).

Improper distribution and printing of ballots (§ 15.56.060(a)(4), Supp.).

False swearing (§ 15.56.040(a)(3), Supp.).

Improper influence of election by election officials (§§ 15.56.070, 15.56.080, Supp.).

False count or concealment of returns by election officials (§ 15.56.070(a)(2), (3), Supp.).

Registration to vote by person who knows that he is unqualified (§ 15.56.050(a)(1), Supp.).

False statements by registration applicant (§ 15.56.050(a)(2), Supp.).

Political discussion by election board (§ 15.15.160).

Taking marked ballot from polling place (§ 15.15.270).

Exhibiting marked ballot (§ 15.15.280).

Identifying ballot (§ 15.15.290).

Counting ballot known to have been unlawfully exhibited by voter (§ 15.15.300, Supp.).

Receiving fee for witnessing absentee ballot (§ 15.20.160).

Voting after disqualification (§ 15.56.050(a)(3), Supp.).

Write-in Provisions.

Prohibited in primary (§§ 15.25.060 (Supp.), 15.25.070); permitted in general election (§ 15.15.030(5)). Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name where write-ins permitted (§ 15.15.360(10), Supp.).

Tax Provisions.

None found.

Vacancy in Office.

When a vacancy occurs in the office of a United States Senator, the governor, within 30 days, shall appoint a qualified person to fill the vacancy. However, if the remainder of the term of the predecessor in the office will expire or if the vacancy will be filled by a special election before the senate will next meet, convene, or reconvene, the governor shall not fill the vacancy (§ 15.40.010).

If the vacancy is for an unexpired term of two years plus five full calendar months or less, the appointment shall be for the remainder of the unexpired term (§ 15.40.030). If the vacancy is for an unexpired term of more than two years plus five full calendar months, the Governor shall call a special election by proclamation and the appointment shall expire on the date the United States Senate first meets, convenes, or reconvenes, following the certification of the results of the special election by the director of elections (§ 15.40.040, Supp.).

The special election to fill the vacancy shall be held on the date of the first general election which is held more than 3 full calendar months after the vacancy occurs (§ 15.40.050).

The Governor shall issue the proclamation calling the special election at least 80 days before the election (§ 15.40.060).

At the special election a United States Senator shall be elected to fill the remainder of the unexpired term (§ 15.40.070, Supp.).

If the vacancy occurs one calendar month or more before the filing date for the primary election, candidates for the special election shall be nominated in the same manner as candidates for general elections (§ 15.40.080). If the vacancy occurs less than one calendar month before the filing date for the primary and more than 3 calendar months before the next general election, candidates shall be nominated by petition delivered to the director of elections before September 2 immediately preceding the special election (§ 15.40.090, Supp.).

Nominees of political parties to be designated by special petition may be selected by the state convention or by another manner as prescribed by the party by-laws (§ 15.40.120). Petitions for nomination of independent candidates shall be signed by at least three percent of the numbers of votes cast in the preceding general election (§ 15.40.100, Supp.).

3. ARIZONA

Unless otherwise designated, references are to the Arizona Revised Statutes Annotated and to the 1980-1981 Cumulative Pocket Part.

Primary Election, when held.

Eighth Tuesday prior to general election (§ 16-201, Supp.). September 7, 1982.

Nominating Papers, Petitions, Etc.

Representation on ballot.—A political organization which at the last preceding general election cast for Governor or presidential electors or for county attorney or for mayor, whichever applies, not less than five percent of the total votes cast for Governor or presidential elector, in the State or in the county, city or town; or, alternatively, a political organization which has registered voters equal to one percent of the total registered electors in a jurisdiction, is entitled to representation on the official ballot (§ 16-804, Supp.).

Party candidate for primary

Nominating petition and nomination papers. File with Secretary of State not more than 105 days before or later than 5:00 p.m. on the 75th day before the primary election (§ 16-311 Supp.). Petition must be signed by qualifed electors qualified to vote for the candidate equal to at least one percent of the votes of the party of the candidate for Governor or presidential elector at the preceding general election in at least three counties in the State, but not less than one percent nor more than ten percent of the total vote of the party in the State (§ 16-322 Supp.). Last day for filing—June 24, 1982.

Independent candidates

Certification of nomination for candidates nominated otherwise than by primary.—Signatures required, equal in number to one percent of qualified electors in the State who did not vote in the party primaries or sign a nominating petition for party primary candidate. *File* with Secretary of State within ten days after primary (§ 16-341, Supp.). September 17, 1982.

New Party. To be recognized in the primary and general election, a new political party must file a petition signed by qualified electors numbering no less than two percent of the votes cast for Governor or presidential elector in the last preceding election (§ 16-801, Supp.) *File* with Secretary of State not less than 75 nor more than 105 days prior to primary election (§§ 16-801, 16-803, Supp.). June 24, 1982.

Write-in candidate

Nomination papers.—File with Secretary of State no later than the Wednesday before the election (§§ 16-312, 16-311, Supp.). October 27, 1982.

Filing Fees and Assessments.—Prohibited (Const., Art. 7, § 14).

Crossfiling by Candidates.

Prohibited. Candidate must be a member of party whose nomination he seeks (§ 16-311, Supp.). If a person is nominated on more than one ticket he must choose one (§ 16-467, Supp.).

A candidate defeated in the primary is prohibited from seeking nomination as an independent candidate (§ 16-341, Supp.).

Subversive Parties Barred from Ballot.

Communist Party.—§§ 16-805, 16-806 Supp.; but see *Blawis* v. *Bolin,* 358 F. Supp. 349 (D. Ariz. 1973), where provisions of the (Federal) Communist Control Act, 50 U.S.C. §§ 841-842 and former §§ 16-205, 16-206, Ariz. Rev. Stats. (comparable to present §§ 16-805, 16-806), which specifically disenfranchised the Communist Party U.S.A. and its affiliates were held unconstitutional as bills of attainder that denied party members due process and equal protection of law.

Advocating overthrow of Government by force.—§ 16-806, Supp.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 16-1006, 16-1013, 16-1014, 16-1008, Supp.).

Intimidation of or hindering voter (§§ 16-1006, 16-1013, 16-1008, Supp.).

Gift or promise of money or thing of value to person to vote or not to vote (§§ 16-1006, 16-1013, 16-1014, 16-1008, Supp.).

Betting on outcome of election (§ 16-1015, Supp.).

Election coercion by employer (§ 16-1012, Supp.).

Tampering with voting machine, ballot box (§§ 16-1016, 16-1017, 16-452, Supp.).

Electioneering near polls (§§ 16-1017, 16-1018, Supp.).

Failure to give time off for voting (§ 16-402, Supp.).

Counterfeiting or distributing unlawful ballots (§ 16-1002, Supp.).

False endorsement, knowing destruction, or delay in delivery of ballot (§ 16-1003, Supp.).

Interference with or corruption of election officer (§ 16-1004, Supp.).

Absentee ballot abuse (§ 16-1005, Supp.).

Election officer ascertaining or disclosing elector's vote (§ 16-1006, Supp.).

Failure or refusal to perform duty by election officer (§§ 16-1009, 16-1010, Supp.).

Counterfeiting election returns (§ 16-1011, Supp.).

Illegal voting; pollution of ballot box; removal or destruction of ballot box, poll lists or ballots (§ 16-1016, Supp.).

Various unlawful acts by voters with respect to voting (§§ 16-1017, 16-1018, Supp.).

Tampering with political signs (§ 16-1019, Supp.).

Write-in Provisions.

Allowed in primary (§ 16–462, Supp.); general election (§ 16–502, Supp.), on voting machines (§ 16–424 Supp.); on electronic voting systems (§§ 16–446, 16–448, Supp.).

In order to be nominated by a write-in vote at a primary election, a write-in candidate must receive a number of votes equivalent to the number of signatures required on the nomination papers of a party candidate for the primary (§ 16–645, Supp.).

Write-in candidate must file nomination papers with the Secretary of State no later than the Wednesday before the election, or votes will not be counted (§§ 16–312, 16–311, Supp.).

Tax Provisions.

There is a $100 tax deduction ($200 for a joint return) for political contributions (§ 43–1059, 1979 Special Pamphlet on Taxation of Income).

Vacancy in Office.

When a vacancy occurs in the office of United States Senator by reason of death or resignation, or from any other cause, the vacancy shall be filled at the next general election. At such election the person elected shall fill the unexpired term of the vacated office. If the next general election is not to be held within six months from the date of the occurrence of the vacancy, the governor shall call a special primary and general election to fill the vacancy. The special primary election shall be held no less than 45 nor more than 60 days after the occurrence of the vacancy, and the special general election shall be held not less than 28 nor more than 35 days thereafter (§ 16–222, Supp.; Const., Art. 7, § 17).

ARKANSAS

Unless otherwise designated, references are to Arkansas Statutes Annotated (1976 Replacement Volume) and to the 1981 Cumulative Pocket Part.

The State of Arkansas will not be holding senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its senatorial elections.

Primary Elections, when held (§§ 3–108; 113(c), (d); 301).

Preferential primary.—On the Tuesday two weeks prior to the general primary (§ 3–113(d)). If at such preferential primary a candidate receives a majority of the votes cast for that office, such person shall be declared the party nominee, and it shall not be necessary for his name to appear on the general primary ballot (§§ 3–110 and 3–113).

General primary (runoff).—Second Tuesday in June preceding general election (§ 3–113(c)). If no candidate receives a majority of votes cast for that office at the preferential primary election, the names of the two candidates who received the highest number of votes shall be printed on the ballot at the general primary election (§§ 3–110 and 3–113).

Nominating Papers, Petitions, Etc.

Party pledge.—Not earlier than noon of the 2nd Tuesday in March or later than noon of the first Tuesday in April before the preferential primary; candidate to file with secretary of State party committee (§§ 3–113(a), 3–109(a)).

Political practice pledge.—File pledge with Secretary of State not later than noon on First Tuesday in April, pledging knowledge of State's corrupt practices and political offenses provisions (§§ 3-1101 *et seq.*) and willingness to comply in good faith with their terms (§ 3-1103; § 3-113(a), Supp.).

Certification of nomination

Party candidate for primary.—To be certified by the canvassing board of primary election and state party convention held following the biennial general primary, and filed with Secretary of State not more than 55 and not less than 45 days before the general election (§§ 3-113(j), 117, 120(a), 121, 102(d)(1)).

New party.—Officers must file oaths disclaiming allegiance to communism and disaffirming violence against the U.S. Government (§ 3-1107).

Party which did not obtain three percent of vote for Governor or presidential electors in last election may obtain place on ballot by filing petition signed by qualified electors equal to three percent of such vote with Secretary of State not later than the first Tuesday in May before the preferential primary (§ 3-101(a), Supp.).

Independent candidate.—File with Secretary of State by time required for filing political practice pledges and party pledges request that name be placed on general election ballot, together with petitions, signed by not less than three percent of the qualified electors of the State or 10,000, whichever is less (§ 3-105(c), Supp.; (§ 3-120(b)).

Write-in candidate.—Must notify County Election Commissioner not later than 30 days prior to general election, of his intention to be a write-in candidate and of familiarity with political practice pledge (§§ 3-614, 1103).

Filing Fees and Assessments.

*Candidate fee.*None.

Ballot fees.—By party candidates, on or before noon on the first Tuesday in April before primary, in amount required by political party, to secretary of the State committee of party (§§ 3-109, 113(a), Supp.).

Crossfiling by Candidates.

Prohibited. Candidates required to file pledge to support party (§ 3-109, Supp.). Person defeated at the primary shall not be permitted to file as an independent candidate for the same office at the general election (§ 3-105(c), Supp.).

Subversive Parties Barred from Ballot.

Communist Party (§ 3-1107(a), Supp.).

Advocating overthrow of Government by force (§ 3-1107(a), Supp.).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 3-1105(n)).

Intimidation of or hindering voter (§ 3-1105(o)).

Promise of money, property, or anything of value to a person to vote or not to vote (§ 3-1105(n)).

Appointment or promise of appointment in return for support in primary (§ 3-1104(a)).

Placing paid articles, statements, or communications in newspapers without the word "advertisement," with intent to influence voters (§ 3-1104(b)).

Betting on outcome of election (§ 3-1104(t)).

Use of public offices for political headquarters (§ 3-1104(f)).

Public officer working during usual office hours for another's campaign (§ 3-1104(g)).

Campaign literature on State vehicles (§ 3-1104(h)).

Intoxicating liquor, furnishing on election day (§ 3-1104(u)).

Advertising and other printed matter without signature or mark of sponsor and of those bearing costs (§ 3-1104(i)).

Electioneering near polls on election day (§ 3-1104(k), Supp.).

Election coercion or intimidation by employer (§ 3-1105(o)).

Interference with candidate's operation of sound equipment at authorized hours (§ 3-1302).

Soliciting money or valuable consideration from candidate for placing candidate's name on approved candidate's list (§ 3-1104(l)).

Distribution of any campaign literature on election day (§ 3-1105(o)).

Voting more than once, in more than one precinct, altering ballots, etc., in an election (§§ 3-1104(r), (v)).

Divulging results of votes for candidates to news medium or representative thereof by election judge, clerk, poll watcher, or any person in or out of the State earlier than 30 minutes after polls close. Applies to primary, general, or special elections (§ 3-1104(bb)).

Assessing State employees (§ 3-1104(d)).

Disturbance or riot at polling place (§ 3-1104(x)).

Tampering with voting machine (§ 3-1105(g)).

Removal or destruction of voting booths and supplies (§ 3-1104(o)).

Removal of ballot from polling place (§ 3-1104(p)).

Using public facilities for political purposes (§ 3-1104(f)).

Misleading a voter who cannot read (§ 3-1104(s)).

Registering in precinct where not a resident (§ 3-1104(y)).

False swearing when applying for ballot (§ 3-1104(aa)).

Unauthorized printing of ballots (§ 3-1104(cc)).

Violation of absentee voting laws (§ 3-1104(dd)).

Misconduct by election officers (§§ 3-1105 (a), (b), (f), (h)).

Damaging poll books; breaking seal on ballot boxes on voting machines, hampering compilation of election returns (§§ 3-1105 (c), (e)).

Voting other than a legal ballot (§ 3-1105 (h)); voting when not registered (§ 3-1105(k)).

NOTE.—§ 3-1105 violations are felonies; § 1104 violations are misdemeanors.

Write-in Provision.

Permitted in general election if candidate or his agent notifies the County Election Commissioner in writing not later than 30 days prior to election, of his intention to be a write-in candidate (§ 3-613(k), Supp.; § 3-614); on voting machines (§ 3-1202(o)); where electronic voting systems are used (§ 3-1803, Supp.).

Specifically prohibited in primary election (§ 3-613(k), Supp.).

Income Tax.

Deduction of up to $25.00 is permitted for a political contribution to a candidate for political office in Arkansas, elected by Arkansas voters or to a political party located in Arkansas so that said party will use the money in an Arkansas election (§ 84-2016.5).

Vacancy in Office.

A vacancy in the United States Senate from Arkansas shall be filled by the governor by temporary appointment until the people fill the vacancy at the next ensuing general election for state and county officers to be held more than 60 days and less than 12 months after such vacancy shall occur; provided that if no general election for state and county officers shall occur within 12 months after such vacancy, the governor shall call a special election to be held not less than 60 days and not more than 120 days after the vacancy shall occur (§ 3-302).

CALIFORNIA

Unless otherwise indicated, references are to the California Elections Code Annotated (1977 main volumes) and to the 1981 Cumulative Pocket Parts.

Primary Elections, when held.

First Tuesday after first Monday in June in each even-numbered year (§ 2551). June 8, 1982.

Nominating Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy.—No candidate's name may be printed on the ballot to be used at a direct primary unless nomination documents are filed not less than 88 nor more than 113 days prior to direct primary (§ 6490, Supp.; § 6550). Include with declaration sponsor certificates signed by not less than 65 nor more than 100 qualified party voters (§§ 6494, 6495(a), Supp.). March 12, 1982. If incumbent does not file, deadline is extended to 5:00 p.m. on the 83rd day before the election (§ 6490.1). March 17, 1982.

Independent candidate (§ 6402)

Declaration of candidacy.—88 days before election, candidate must leave affidavit in same office as nomination papers (§ 6920, Supp.).

Nomination papers.—Signatures are required equal in number to not less than 1 percent of the entire vote cast in the State at the preceding general election (§ 6831) of voters who did not vote at the immediately preceding primary at which a candidate for the United States Senate was nominated (§§ 6838, 6830, Supp.). *File* with Secretary of State not more than 129 nor less than 64 days before general election but leave with county clerk for examination not more than 148 nor less than 88 days before general election (§ 6833, Supp.). August 6, 1982.

Write-in candidate

No person whose name has been written in for an office upon the direct primary ballot may have his name placed on the ballot as a candidate for that office in the ensuing general election unless he either (a) received enough votes at the primary level to equal one percent of all votes cast for such office at the preceding general election, (b) is an independent nominee, or (c) has been designated by a party central committee to fill a vacancy on the general election ballot (§ 6661).

Filing Fees and Assessments.

Amount.—Two percent of first year's salary (§ 6552(a), Supp.).

Date of payment.—When declarations are filed (§ 6554, Supp.).

To whom paid.—Deliver to county clerk of county in which candidate resides, for transmission to Secretary of State (§§ 6552, 6553, Supp.).

Alternatively, file petition signed by 10,000 registered voters with clerk from whom nomination papers were obtained, at least 15 days prior to the close of the nomination period (§ 6555). A combination of such signatures and a pro rata filing fee may also be filed (*ibid.*).

Crossfiling.

Prohibited.—Candidate must have been affiliated with party whose nomination he seeks for at least three months immediately prior to filing of declaration of candidacy, as shown by his affidavit of registration, and must not have registered affiliation with any other party within twelve months immediately prior to filing (§ 6401, Supp.). A candidate of a party who was defeated at the primary is ineligible for nomination as an independent candidate (§ 6402(a)). No person may file nomination papers for a party nomination and an independent nomination for the same office, or for more than one office at the same election (§ 6402(b)).

Subversive Parties Barred from Ballot.

Communist Party.—*Cf.* Assembly Joint Resolution No. 5, petitioning the Congress of the United States to outlaw the Communist Party of the United States and its members (Laws of 1955, ch. 17, p. 397).

Parties advocating overthrow of Government by force disqualified from participating in primary (§ 6431).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 29421, 29623, 29620; §§ 29621, 29622, 29624, Supp.).

Intimidation of or hindering voter (§ 29630, Supp.).

Gift or promise of money or thing of value to person to vote or not to vote (§ 29620).

Bribing members of a political nominating meeting (§ 29420).

Unidentified advertising and other printed matter (§ 29410, Supp.).

Tampering with voting machine (§ 29645, Supp.; § 29649).

Electioneering near polls (§ 29470).

Payment of consideration to induce a person not to become or to withdraw as a candidate (§ 29305, Supp.).

Employee shall have 2 hours off to vote without loss of pay if he does not have sufficient time for voting outside working hours (§§ 14350–14352).

Offenses connected with voter registration (*cf.* knowingly registering or helping to register one not qualified to vote) (§§ 29200, 29202; Supp.; §§ 29201, 29203).

False names on nomination petitions (§ 29300).

Making false nomination papers, defacing or destroying nomination papers (§ 29301).

Failure to properly file nomination papers or declaration of candidacy (§§ 29302, 29303).

Suppression of nomination papers or declarations of candidacy (§ 29304).

Printing simulated ballots without a statement so certifying, or with official seal or insigna (§ 29414).

Misleading voter as to proper voting precinct on election literature (§ 29415).

Claiming party endorsement by primary candidate (§ 29430).

Preventing electors from assembling (§ 29440).

Implication that candidate is incumbent or acting in capacity of public officer (§ 29450).

Soliciting funds in the name of a political party without such party's consent (§§ 12301, 29460).

Vandalism at polling places (§ 29480).

Use of state publications to influence voters on candidates or questions not related to the functions of the agency or department issuing such publication (§ 29490).

Use or furnishing of imitation paper ballots or punchcards (§ 29500).

Printing or circulation of nonconforming ballots (§ 29501).

Aiding or abetting fraud in connection with casting of votes (§ 29610, Supp.).

Public officials' aiding illegal casting of votes (§ 29611).

Interference with officers or voters (§ 29612).

Political material in pay envelopes (§ 29631, Supp.).

Challenging right to vote without probable cause (§ 29632).

Fraudulent voting (§ 29640, Supp.).

Procuring or advising vote of unqualified person (§ 29641).

Forging absentee ballots (§ 29642, Supp.).

Altering election returns (§ 29645).

Removing or defacing posted copy of election results within 48 hours; delaying delivery or changing copy of voting results (§ 29650).

Forging or counterfeiting election returns (§ 29646).

Counting board members, failure to obey lawful orders (§§ 29651, 29652).

Deceiving voter unable to read, causing voter to vote for different person than intended through fraud (§ 29653).

Refusal of person required to be sworn or to answer questions (§ 29654).

Unlawfully acting as election officer or acting in unauthorized capacity (§ 29655).

Write-in Provisions.

Permitted in all elections (§ 56, Supp.), on voting machines (§ 15304), on punchcard voting system, (§ 10335, Supp.).

Tax Provisions.

Deduction from income tax allowed for political contributions, but not over $100 in any primary or general election (Revenue and Taxation Code, § 17234).

Vacancy in Office.

If a vacancy occurs in the representation of this State in the Senate of the United States, the Governor may appoint and commission an elector of this State, who possesses the qualifications for the office, to fill the vacancy until his successor is elected and qualifies and is admitted to his seat by the United States Senate. However, whenever a vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, the person so appointed shall hold office for the ramainder of the unexpired term unless such vacancy is filled at a special election held prior to such general election, in which case the person elected at such special election shall hold office for the remainder of the unexpired term. An election to fill a vacancy in the term of a United States Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election (§ 25001).

The special election shall be proclaimed within fourteen calendar days after the occurrence of the vacancy (§ 2651).

When a vacancy occurs in a congressional office after the close of the nomination period in the final year of the term of office, the Governor may decline to issue an election proclamation at his discretion (§ 2652).

COLORADO

Unless otherwise designated, references are to Colorado Revised Statutes Annotated of 1973 and to the 1979 Cumulative Supplement.

The State of Colorado will not be holding senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its senatorial elections.

Primary Election, when held.

Second Tuesday in September in each even-numbered year (§ 1-14-202(1)).

Laws relating to primary and other elections shall prevail as to election of United States Senator (§§ 1-14-202(3), (4)).

Nominating Papers, Petitions, Etc.

Party candidate for primary.—Certificate of designation for candidates selected by assembly of political party.—All candidates who receive twenty percent or more of the votes of the delegates to such assembly, shall be certified by the presiding officer and secretary of such assembly, for a place on the direct primary ballot. Only one ballot is taken by the assembly upon the delegates for each office. Certificate of designation must certify that the candidate has been a member of said political party for period of time required by law. If two or more candidates receive equal number of votes, the order of certification of designation shall be determined by lot by such candidates (§ 1-14-204(2)).

A party assembly shall be held no later than 52 days preceding the primary election (§ 1-14-204(1)). File certificate of designation prior to 45 days before the primary election (§ 1-14-208).

Acceptance of nomination by candidate designated by party assemblies must be filed in writing with the Secretary of State within seven days after the adjournment of the assembly (§ 1-14-204(3)).

Petition.—A candidate may be placed on the direct primary ballot by a petition signed by electors resident within each Congressional District in a number equal to at least two percent of the votes cast in such district at the previous general election for the party's candidate for U.S. Senator (§ 1-14-207(2)(c)).

Acceptance of nominations by candidates nominated by petition must be endorsed on every petition before filing (§ 1-14-207(4)).

Filing.—Certificates of designation and petitions should be filed with Secretary of State not less than forty-five days prior to the primary election (§ 1-14-208).

Independent candidate

Certificate of nomination.—Signatures of 500 voters of the State are required. File with Secretary of State not later than 3:00 p.m. Tuesday preceding the primary election (§§ 1-14-301(1)(b), (h), Supp.).

Acceptance of nomination by candidate must be attached thereto (§ 1-14-301(1)(g)).

Filing Fees and Assessments—No statutory provision.

Crossfiling by Candidates.

Prohibited. Candidate must have been affiliated with party whose nomination he seeks for at least twelve months prior to nomination (§§ 1-14-204(4)).

Person who has been defeated in primary is ineligible to be a candidate for same office in general election unless party vacancy committee nominates such person (§ 1-15-110, Supp.).

Offenses.

Forgery or alteration of ballot (§ 1-13-106, as amended by 1980 Laws S.B.I., approved March 17, 1980).

Violation of duty by election official (§ 1-13-107, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Anonymous statements concerning candidates or issues (§ 1-13-108, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

False statements relating to candidates or questions submitted to electors (§ 1-13-109, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Wagers with electors (§ 1-13-110, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Interfering with or impeding registration (§ 1-13-201, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Unlawful qualification as taxpaying elector (§ 1-13-202, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Procuring false registration (§ 1-13-203, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Adding names after registration closes (§ 1-13-204, as amended by 1980 Laws, S.B.I, approved March 17, 1980).

Fraud at precinct caucus, assembly, or convention (§ 1-13-301, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Fraudulent voting in precinct caucus, assembly, or convention (§§ 1-13-302 and 1-13-303, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Bribery of petition signers (§ 1-13-401, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Tampering with nomination papers (§ 1-13-402, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Interference with election official (§ 1-13-701, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Tampering with registration book, registration list, or pollbook (§ 1-13-703, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Unlawfully refusing ballot or permitting to vote (§ 1-13-704, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Inducing defective ballot (§ 1-13-707, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Tampering with voting equipment (§ 1-13-708, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Voting in wrong precinct (§ 1-13-709, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Interference with voter while voting (§ 1-13-711, as amended by S.B.I., approved March 17, 1980).

Disclosing or identifying vote (§ 1-13-712, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Intimidation of voters (§ 1-13-713, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Electioneering within one hundred feet of the polling place (§ 1-13-714, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Liquor in or near polls (§ 1-13-715, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Destroying, removing, or delaying delivery of election records (§ 1-13-716, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Certain unlawful acts by an employer (§ 1-13-719, as amended by 1980 Laws, S.B.I., approved March 17, 1980).

Unlawfully giving or promising money or employment (§ 1-13-720, as amended by 1980 Laws S.B.I., approved March 17, 1980).

Write-in Provisions.

Permitted in primary (§ 1-6-401, as amended by 1980 Laws, SB 12, approved February 21, 1980); on voting machines (§ 1-6-404, as amended by 1980 Laws; SB 12, approved February 21, 1980); on electronic voting ballots (§ 1-6-405, as amended by 1980 Laws, SB 12, approved February 21, 1980).

Permitted in primary (§ 1-15-102(2)(a), Supp.); and in general election (§ 1-4-207(7)); on voting machines (§ 1-6-102(i)).

Vacancy in Office.

(1) Whenever a vacancy happens in the office of United States Senator from this State, the Governor shall make a temporary appointment to fill such vacancy until the same is filled by election.

(2) When a vacancy happens, the Governor shall direct the secretary of state to include in his general election notice for

the next general election a notice of the filling of such vacancy. The secretary of state shall give notice accordingly. At such election the vacancy shall be filled for the unexpired term. If, for any reason, no United States Senator is elected at the next general election, the person temporarily appointed by the Governor shall hold over until a United States Senator is elected at a succeeding general election (§ 1-12-101, as amended by 1980 Laws, SB 12, approved February 21, 1980).

CONNECTICUT

Unless otherwise designated, references are to Connecticut General Statutes Annotated (1967) and to the 1981 Cummulative Annual Pocket Part.

Primary Election, when held.

Must be held by parties whose candidate at last general election for this office polled at least ten percent of the total cast for all candidates for this office, or whose gubernatorial candidate polled at least twenty percent of total vote for all candidates for Governor (§ 9-381; § 9-372(e), Supp.). May be held by minor parties if party rules so provide (§ 9-451) *(See Candidates of Minor Parties.)*

If no person other than a party-endorsed candidate has received at least twenty percent of the votes of the delegates or if within the time specified, no candidacy for nomination by a political party to the office has been filed by or on behalf of a person other than a party-endorsed candidate, no primary shall be held by the party for the office and the party-endorsed candidate for the office shall be deemed to have been lawfully chosen as the nominee of the party for the office (§ 9-416, Supp.).

Date.—Fifty-sixth day preceding day of election (§ 9-423, Supp.). September 7, 1982.

Nominating Papers, Petitions, Etc.

Party candidate for primary, if held

Party-endorsed candidate.—State convention shall choose candidate according to party rules (§ 9-382).

Certificate of designation.—Chairman of convention shall deliver report, certified by chairman and secretary of convention, to Secretary of State not later than the 42d day preceding the primary (§ 9-388, Supp.). July 27, 1982.

Certificate of designation.—Secretary of convention shall file list of candidates receiving at least twenty percent of convention vote, together with name of party-endorsed candidate. After certification of list by chairman and secretary of convention, chairman shall deliver list to Secretary of State not later than 42nd day preceding the primary (§ 9-388, Supp.). July 27, 1982.

Candidates of minor parties

Parties whose candidate for this office at the last general election for such office received at least one percent but less than ten percent of total vote for all candidates for such office and whose candidate, if any, for Governor, received less than twenty percent of the total gubernatorial vote, may nominate candidate at least 8 weeks prior to the day of the general election, in accordance with their party rules which were filed with the Secretary of State at least sixty days in advance of such nomination. Presiding officer of nominating body shall certify candidate to Secretary of State not less than forty-nine days before election (§ 9-451; §§ 9-452, 9-374, 9-372, Supp.). September 14, 1982.

Nominating petition (minor parties may also nominate by nominating petition, accompanied by *statement of party principles.)*—Signatures of qualified voters are required, equal in number to one percent of all votes cast for the same office at last general election for such office. File with the town clerk of the town in which the signers reside not later than 4:00 p.m. of the 63d day prior to the election, or with the Secretary of State not later than 4:00 p.m. of the 70th day before the election (§§ 9-453a--9-453o, Supp.).

Filing Fees and Assessments.

No statutory provisions were found.

Crossfiling by Candidates.

No provisions were found; however, being a candidate of another party is prima facie evidence of party disaffiliation (§ 9-61, Supp.).

Communist Party Barred From Ballot. (Op. Atty. Gen. (June 17, 1964), 25 Conn. L.J. No. 32, p. 17).

Offenses.

Election coercion or intimidation of employees by employer (§ 9-365).

Solicitation of funds from candidate by various persons and organizations (§ 9-348k, Supp.).

Intoxicating liquors, sale on election day during voting hours (§ 30-91).

Electioneering near polls on election day (§ 9-366; § 9-236, Supp.).

Interference with electors in voting (§ 9-366).

Tampering with voting machine (§§ 9-367, 9-352).

Unlawful sessions of registration board (§ 9-349).

Failure to warn of election (§ 9-350).

Delay in counting or declaring vote (§ 9-351).

Falsifying election returns (§ 9-353).

Improper printing of ballot label (§ 9-354).

Official neglect or fraud (§ 9-355, Supp.).

Fraudulent registration (§ 9-357).

False swearing (§ 9-358).

Offenses in connection with absentee ballots (§§ 9-359, 9-359a, Supp.).

Fraudulent voting (§ 9-360).

For a listing of primary or enrollment violations, § 9-361; primary, caucus and convention violations, § 9-364a, Supp.).

Circulation of misleading instructions (§ 9-363).

Influencing elector to refrain from voting (§ 9-364).

Write-in Provisions.

Apparently permitted in any election; on voting machines; § 9-265, Supp.

Vacancy in Office.

In case of a vacancy in the office of Senator in Congress, the Governor is empowered to fill such vacancy by appointment. If such vacancy occurs sixty or more days prior to a state election, the appointee shall serve until the third day of January following such election, and at such election there shall be elected a Senator in Congress to serve for the remaining portion, if any, of the term vacated. If such vacancy occurs within less than sixty days of a state election and the term vacated does not expire on the third day of January following such election, the appointee shall serve until the third day of January following the next such election but one, and at such next election but one there shall be elected a Senator in Congress to serve for the remaining portion, if any, of the term vacated. If such vacancy occurs within less than sixty days of a state election and the term vacated expire on the third day of January following, the appointee shall serve until such third day of January (§ 9-211).

DELAWARE

Unless otherwise indicated, references are to Title 15 of the Delaware Code Annotated 1974 and to the 1980 Cumulative Supplement.

Primary Elections, when held.

First Saturday next following the first Monday in September (§ 3101(3), Supp.). September 11, 1982.

Nominating Papers, Petitions, Etc.

Notify Chairman of State political party committee on or before 12:00 p.m. of the last Friday in July (§§ 3106(a)(1), 3101(1), Supp.). July 30, 1982.

Filing Fees and Assessments.

Filing fees required on giving notice of request for primary (§ 3106(a)(1)(b), Supp.). The filing fee is to be set by the State Executive Committee of the respective political party (§ 3103(a)(1), but in no event is to exceed 1 percent of the total salary for the entire term of office for which the candidate is filing (§ 3103(b), Supp.).

Crossfiling by Candidates.

No provisions were found.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (Const. Art. 5, §§ 3, 7; Code, §§ 3167, 5123, 5127, 5162).

Intimidation of or hindering voter (§§ 3163, 5123, 5126, 5162, 5303; Const. Art. 5, § 7).

Gift or promise of money, employment or anything of value to a person to vote or not to vote or to influence his vote (§§ 3166, 5127; Const. Art. 5, § 7).

Intoxicating liquor, furnishing on election day or during registration of voters (§§ 2304, 3112, 3169).

Betting on outcome of election (§ 5164; Const. Art. 5, § 7).

Interference with election (§ 5118).

Inducing the making of distinguishing mark on ballot (§ 5124).

Inducing election officers to violate election laws (§ 5125).

Bribery of election officer (§ 5127), interference with or intimidation of election officer (§§ 5139, 5161), or intimidation of registration officers (§ 2305; Const. Art. 5, § 7).

Fraudulent casting of votes (§§ 5128, 5132).

Election coercion or intimidation of employees by employer (§§ 5161-5163).

Military interference with elections (§§ 5302-5313).

Tampering with election records (§ 3168).

Tampering with election supplies or voting machines (§§ 5116, 5121).

Unauthorized, entering of voting room (§ 5117), or of registration area (§ 2307).

Neglect of duty, election officers (§ 2301; *see also* §§ 5111-5113, 5127, 5130, 5133).

Wrongful registration, assault, riot, breach of peace (§ 2302).

Fraudulent entries; alteration, destruction, etc., of registration records (§ 2303).

Improper conduct of printer of ballots and ballot envelopes (§ 5114).

Improper use of ballot or envelope (§ 5115).

Feigning a physical disability to obtain assistance in voting (§ 5119).

Secreting person in election room (§ 5120).

Removal or destruction of election supplies or equipment or voting machines (§ 5121).

Disclosure by election officers (§ 5122).

Inducing the making of a distinguishing mark on ballot (§ 5124).

Inducing election officers to violate election laws (§ 5125).

False entries by clerk of election (§ 5129).

False count or certification by election officer (§ 5131).

Fraudulent deposit or alteration of ballots or entering voting machine booth or casting fraudulent vote (§ 5132).

Stealing, destroying or secreting records (§ 5134).

Election perjury (§ 5135).

Tampering with ballots or deceiving voters (§ 5136).

Disobeying election officers (§ 5137).

Breach of peace or violence on election day (§ 5138).

Interference with election officer or challenger (§ 5139).

Failure of inspector to preserve order (§ 5140).

Stealing or destroying ballot box, ballot, poll list (§ 5141).

Requiring unauthorized oath (§ 5142).

Improperly or unidentified campaign literature (§ 8005(b), Supp.).

Write-in Provisions.

Permitted in general election (§ 4502, Supp.; §§ 4506, 4976); on voting machines (§ 5001(a)(3)). Not permitted in the primaries (§ 3124(b)).

Vacancy in Office.

When a vacancy occurs in the office of United States Senator, it shall be filled for the unexpired term at the next general election. The Governor may make a temporary appointment from among the qualified electors of the State until the vacancy is filled by the next general election (§ 7321).

FLORIDA

Unless otherwise indicated, references are to the Florida Statutes Annotated and to the 1981 Cumulative Annual Pocket Part.

Primary Elections, when held.

First primary.—First Tuesday that falls on the 6th day or later in September of general election years (§ 100.061, Supp.). September 7, 1982.

Second primary.—To be held for nomination of candidates for offices for which a candidate did not receive a majority in the first primary. Third Tuesday after first primary in September of general election years; except that in 1978, 1980, 1982, the second primary shall be held on the fourth Tuesday after the first primary election. This is a runoff between the two candidates receiving the highest number of votes in the first primary (§ 100.091, Supp.). October 5, 1982.

Nominating Papers, Petitions, Etc.

Qualification papers, which include candidate's oath, (§ 99.021, Supp.), to be filed any time after noon of 63rd day but before noon of 49th day before the first primary; file with Department of State (§ 99.061(1), Supp.). July 20, 1982.

Independent candidate.—Independent candidate's name may appear on general election ballot provided he is otherwise qualified and submits petitions to the supervisor of elections in each county in which petitions were circulated no later than noon of the 49th day prior to the first primary preceding the general election, containing signatures of three percent of the registered electors of Florida. July 20, 1982. Supervisors certify to the Department of State within thirty days of the last day for qualifying that the signers of the petitions are registered electors of the county. On notice of sufficient signatures from the Department of State, the candidate, within five days, shall qualify with the Department of State and take the oath provided in § 99.021, *supra.*

Minor party candidates.—A minor political party is any group which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the State (§ 97.021 (14), Supp.). Any group of citizens organized for the general purposes of electing to office qualified persons and determining public issues under the democratic processes of the United States may become a minority political party of the State by filing with the Department of State a certification showing the name of the organization, the names of its current officers, including the members of its executive committee, and a copy of its constitution or bylaws. It shall be the duty of the party to notify the Department of State of any changes in the filing certificate within five days of such changes (*ibid.*) A minor party with a position on the general election ballot may provide for the designation of its official list of nominated candidates in any manner that it deems proper (§ 99.0965, Supp.).

Filing Fees and Assessments.

Amount—filing fee.—Three percent of annual salary (§ 99.092(1), Supp.).

Committee assessment.—Percent of annual salary unless made less by executive committee (*ibid.*).

Date of payment.—Filing fee and party assessment shall be paid when qualification papers are filed (§ 99.061(1), Supp.).

To whom paid.—Department of State (*ibid.*).

Note: Qualification fee paid by an independent candidate or a minor party candidate shall be refunded to such candidate within ten days from the date the determination is made that such candidate or party failed to obtain the required number of signatures (§ 99.061(1), Supp.).

Alternative petition.—Available to any person seeking to qualify for nomination who is unable to pay the filing fee and party assessment without imposing an undue burden on his personal resources or on resources otherwise available to him. File *notice of intent* to qualify by petition with Secretary of State at any time after the first Tuesday after the first Monday in January of the year in which the first primary is held, but no later than the 92d day prior to the date of the first primary election (§ 99.095(1), Supp.). A separate petition must be circulated in each County in which signatures are sought (§ 99.095(4)(a), Supp.); and each petition must be submitted, prior to noon of the 92d day preceding the first primary election, to the supervisor of elections of the county in which it was circulated. The respective county supervisors and the Secretary of State proceed to determine if a sufficient number of signatures have been obtained (*ibid.*).

Crossfiling by Candidate.

Prohibited. Candidate required to take oath and state party membership and that he has not been a candidate for nomination for any other party for a period of six months preceding the general election for which he qualified (§ 99.021, Supp.). Candidate must also state that he has not qualified for any other public office in the State, the term of which office or any part thereof runs concurrently to the office he seeks (*ibid.*).

Subversive Parties Barred from Ballot.

Communist Party.—§§ 876.01, 876.02, 876.30, Florida Statutes Annotated.

Advocating overthrow of Government by force.—§§ 876.01, 876.30, Florida Statues Annotated.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 104.061(2), Supp.).

Intimidation of or hindering voter (§ 104.061(1), Supp.).

In order to promote his own nomination, for a candidate:

To contribute to the campaign of another candidate (§ 104.071(1)(c), Supp.).

To promise appointment, nomination, or election of another person to public or private position (§ 104.071(1)(a), Supp.).

To give or promise to give any money or thing of value to publisher of newspaper or periodical to induce him to advocate or oppose through the columns of his paper any candidate for nomination or to conduct a poll relating to a campaign (§ 104.071(1)(b), Supp.).

To furnish to another anything of value for purposes prohibited by election laws (§ 104.071(1)(d), Supp.).

Election coercion of employees by employer (§ 104.081, Supp.).

False, willful, or malicious charges of corrupt illegal practice against opposing candidate (§ 104.271, Supp.).

Improperly identified campaign literature (§ 106.143, Supp.).

Failure to announce name of candidate's political party on radio or television advertising (§ 106.143(3), Supp.).

Intermingling ballots (§ 104.13, Supp.); casting more than one vote (§ 104.18, Supp.); changing electors' ballots (§ 104.21, Supp.); stealing or altering election records (§ 104.22, Supp.).

Use of party name in political advertising in support of candidate of any other political party without consent of such party (§ 103.081, Supp.).

Distribution of political literature within 100 yards of polling place (§ 104.36, Supp.).

Tampering with voting machine (§ 104.30, Supp.).

False swearing (§ 104.011, Supp.).

Gift or anything of value to person for registering to vote (§ 104.012, Supp.).

Unauthorized use, possession, or destruction of voter registration identification card (§ 104.013, Supp.).

False declaration to secure assistance in preparing ballot (§ 104.031, Supp.).

Knowingly to sign a petition more than one time (§ 104.185, Supp.).

Fraud in connection with casting vote (§ 104.041, Supp.).

Neglect of duty by election officials (§ 104.11, Supp.).

Failure to assist officers at polls (§ 104.101, Supp.).

Voting when not qualified (§ 104.15, Supp.).

Fraudulent voting (§ 104.16, Supp.).

Voting in person after casting absentee ballot (§ 104.17, Supp.).

Unlawful use of stickers, rubber stamps, etc. (§ 104.19, Supp.).

Allowing ballot to be seen, and other ballot offenses (§ 104.20, Supp.).

Disclosing how elector votes (§ 104.23, Supp.).

Assuming false name, etc., for use in voting (§ 104.24, Supp.).

Destroying ballot, booth, etc. (§ 104.26, Supp.).

Aiding, abetting, or advising violation of the election code (§ 104.091, Supp.).

Write-in Provisions.

Required on electronic voting systems (§ 101.5606(7), Supp.).

Ballot for primary (§ 101.181, Supp.) and general elections (§ 101.191, Supp.) do not appear to provide space for write in votes, but this is unclear.

Vacancy in Office.

If a vacancy happens in the representation of the State in the United States Senate, the Governor shall issue a writ of election to fill such vacancy at the next general election; and the Governor may make a temporary appointment until the vacancy is filled by election (§ 100.161, Supp.)

GEORGIA

Unless otherwise designated, references are to the Georgia Code Annotated (1980) and to the 1981 Cumulative Pocket Part.

The State of Georgia will not be holding senatorial elections in 1982. The following statutory references are listed for future reference when the State does hold its senatorial elections.

Primary Elections, when held.

Primary elections are held on the second Tuesday in August in each even-numbered year (§ 34-801, Supp.)

Second Runoff Primary, when held.

In the event a candidate fails to receive a majority of the votes in the primary, a runoff is held between the two candidates receiving the highest number of votes. The runoff takes place on the 21st day following the election (§ 34-1513, Supp.).

Qualification of Candidates.

Candidates may qualify for a party nomination in a primary by either (1) payment of a qualifying fee pursuant to the Election Code, or (2) submission of a pauper's affidavit by which the candidate, under oath, affirms his poverty and his resulting inability to pay the fee (§ 34-1005).

Candidates may qualify for an election by (1) nomination in party primary; (2) filing nomination petition as an independent or as nominee of political convention; (3) nomination of presidential electors; (4) substitute nomination of a political party; (5) participation in special election; or (6) being an incumbent (§ 34-1001).

Nominating Papers, Petitions, Etc.

Primaries.—Candidates shall commence qualifying not earlier than 9:00 a.m. on the 4th Wednesday in May and cease not later than 12:00 noon on the 2nd Wednesday in June immediately preceding the primary (§ 34-1005). State executive committee of each political party to certify candidates to Secretary of State no later than noon on third Wednesday in June (§ 34-1006).

General election (non-primary candidates).—Notice of candidacy shall be filed by candidate or his agent with Secretary of State giving notice of his candidacy by 12:00 noon on the 2nd Wednesday in June preceding the election (§ 34-1002(c), Supp.).

Independent candidates.—Independent candidates as well as *party convention-nominated candidates* shall, in addition, to filing the notice of candidacy with the Secretary of State, also file a petition signed by not less than two and one-half percent of the total number of electors eligible to vote in the last election for the filling of the office the candidate is seeking (§ 34-1010).

Nomination of candidates by convention.—Any party wishing to nominate its candidates, qualifying with petitions, by convention shall file a set of rules and regulations with the Secretary of State, to be passed on by the Secretary of State as in accord with § 34-1012. A convention shall be held at least ninety days prior to the date on which primaries are conducted (§§ 34-1012(e)).

Write-in candidate.—Notice of intention of candidacy must be given twenty or more days prior to the election, to the Secretary of State and by publication in a paper of general circulation in the State (§ 34-1017).

Filing Fees and Assessments.

Each candidate qualifying for a primary with a state political party and each non-primary candidate filing notice of candidacy with Secretary of State, to pay filing fee of three percent of annual salary (§ 34-1013(a)). Party primary candidates to pay fee to state political party at time of qualification; all other candidates to pay fee to Secretary of State at time of filing notice of candidacy (§ 34-1013(b)).

Alternatively, party primary candidate may file pauper's affidavit, under oath, certifying inability to pay vee (§ 34-1005(a)(2)).

Crossfiling by Candidates.

Candidates shall qualify according to party rules and pledge allegiance to party (§ 34-1005(a)).

Subversive Parties Barred from Ballot.

Communist Party.—No person may be nominated or elected for State office who has been adjudged a "subversive person" as defined in the Sedition and Subversive Activities Act of 1953 (ch. 92A-1201), or as the said Act may hereafter be amended (§ 34-106).

Advocating overthrow of Government by force.—(§§ 92A-1201 to 92A-1213).

Offenses (See ch. 34-19.)

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 34-1933).

Intimidation of or hindering voter (§§ 32-1924, 34-1934).

Gift or promise of money or anything of value for purpose of buying a vote (§ 34-1933).

Intoxicating liquor, sale on election day (§§ 58-609; 58-1060; § 58-1079, Supp.; § 34-1937).

Electioneering near polls on election day (§§ 34-1307; 34-1938).

Tampering with voting machine (§ 34-1915); unauthorized possession of a voting machine key (§ 34-1916).

Publishing and circulating literature in connection with a political campaign without the name and address of the person or organization distributing it (§ 34-1307.1).

Using the name of any person or organization without proper authorization (§ 34-1307.1).

Alteration of records (§ 34-1905).

Prying into ballot boxes (§ 34-1923).

False statements or signatures in nomination petitions (§ 34-1909), in notice of candidacy (§ 34-1901.1).

Destruction or suppression of nominating petitions (§ 34-1910), false certificates (*ibid.*), false signatures (§ 34-1909).

Unlawful possession of a ballot outside polling place (§ 34-1912); unlawful voting (§ 34-1929).

False statements under oath (§ 34-1901).

False registration (§ 34-1902).

Refusal to permit inspection of papers; destruction or removal (§§ 34-1903, 34-1904).

Interfering with poll officers (§ 34-1906).

Refusal to administer oaths, acting without being sworn (§ 34-1907).

Offenses by signers of nominating petitions (§ 34-1908).

Offenses by printers of ballots (§ 34-1911).

Counterfeit and facsimile ballots, ballot cards or ballot labels (§ 34-1913).

Destroying or delaying delivery of ballots (§ 34-1914).

Tampering with vote recorders or tabulating machines (§ 34-1917).

Destroying, defacing or removing notices, etc. (§ 34-1918).

Failure of law enforcement officer to quell disturbances at polls; hindering or delaying poll officers and others (§ 34-1919).

Poll officers permitting unregistered persons to vote; refusing to permit qualified electors to vote; permitting unauthorized assistance of elector (§ 34-1920).

Various frauds by poll officers (§ 34-1921); omissions by poll officers (§ 34-1922).

Various offenses involving interference with primaries and elections (§ 34-1924).

Giving or receiving unlawful assistance in voting; poll officers permitting unlawful assistance (§§ 34-1925—34-1927).

Write-in Provisions.

Permitted in general election (§§ 34-1103; 34-1224); on voting machines (§ 34-1206(g)); on punchcard voting system (§ 34-1220(d)); prohibited in primary (§ 34-1319(b)).

No person elected on a write-in vote shall be eligible to hold office unless notice of intention of candidacy was given 20 or more days prior to the election, to the Secretary of State and by publication in a paper of general circulation in the State (§ 34-1017).

Vacancy in Office.

In the event of a vacancy, it shall be filled by special election at the next November election, occurring at least 40 days after the occurrence of such vacancy, and until such election, the Governor may make a temporary appointment to fill such vacancy (§ 34-803).

HAWAII

Unless otherwise indicated, references are to the Hawaii Revised Statutes Annotated (1976 Replacement Volume) and to the 1979 Supplement.

Primary Elections, when held.

Second to last Saturday of September in every even numbered year, provided that in no case shall any primary election precede a general election by less than 45 days (§ 12-2, Supp.). September 18, 1982.

Nominating Papers, Petitions, Etc.

No person shall be a candidate for any general election unless he has been nominated in the preceding primary (§ 12-2, Supp.).

Party candidate for primary.—Nominating paper signed by not less than twenty-five registered voters (§§ 12-3 and 12-5, Supp.) who are eligible to vote for the candidate at the next election (§ 12-4), to be filed with the chief election officer (i.e., the lieutenant governor; see §§ 11-1, 11-2) not later than 4:30 p.m. on the 60th day before the primary (§ 12-6, Supp.). July 20, 1982.

Non-partisan candidate.—Same as party candidate (§ 12-3, Supp.).

Loyalty oath.—File with nomination papers (§ 12-7).

New Party.—Must file petition with signatures of not less than one percent of total registered voters of the state by 4:30 p.m. on the 150th day before the next primary (§ 11-62). April 21, 1982.

Filing Fees and Assessments (§ 12-6, Supp.).

Amount.—$75.00.

Date of payment.—When filing nomination papers.

To whom paid.—Chief Election Officer (i.e., lieutenant governor; see §§ 11-1, 11-2).

Alternatively, file statement of indigency and petition signed by at least one-half of one percent of the total voters registered statewide at the time of filing.

Crossfiling by Candidates (§ 12-3, as amended, Act 139, *supra*).

Prohibited. Candidate must pledge, in his nomination papers, that he will carry out the provisions and pledges on the political platform of the party, and that he is a member of same. Also, nomination papers may not be filed in behalf of any person for more than one party or for more than one office nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate.

Subversive Parties Barred from Ballot.

Candidate must swear allegiance to laws of Nation and State (§ 12-7). No person shall hold any public office or employment who has been convicted of any act to overthrow, or attempt to overthrow, or conspiracy with any person to overthrow the government of Hawaii or of the United States by force or violence (Const. of Hawaii, Art. XVI, § 3).

Offenses.

Unlawfully soliciting votes, corruptly influencing voter, bribery (§§ 19-3(1)—(3), 19-6(1)).

Intimidation of or hindering voter (§ 19-3(4)).

Gift or promise of money or thing of value to person to vote or not to vote (§ 19-3(3)).

Unidentified advertising and other printed matter (§ 11-215, Supp.).

Tampering with voting machine, unlawful possession of voting machine key (§ 19-3(9)).

Electioneering near polls (§ 19-6(7)).

Failure of employer to give time off for voting (§ 11-95).

Payment for withdrawal of candidate (§ 19-3(7)).

Voting in false name, voting more than once, etc. (§ 19-3(5)).

Publishing false statement of withdrawal of any candidate (§ 19-3(6)).

Neglect of duty by public officer (§ 19-3(8)).

Defacing election materials (§ 19-6(2)).

Unlawful duplication of ballots (§ 19-6(3)).

Causing disturbance at election meetings (§ 19-6(4)).

Interference with registration meeting (§ 19-6(5)).

Unlawful loitering within voting area (§ 19-6(6)).

Unauthorized opening of absentee ballot envelope (§ 19-6(8)).

False statement in absentee voting affidavit (§ 19-6(9)).

Failure to obey election laws (general statement) (§ 19-6(11)).

Registering or voting when not qualified, false oaths in this regard, etc. (§ 19-6(12)).

Note.—Violations found at § 19-3 are deemed felonies; those found at § 19-6 are misdemeanors.

Write-in Provisions.

No provisions were found.

Income Tax.

Deduction allowed from income tax up to $100 ($200, if joint return) for political contributions to the central or county committee of a party whose candidates qualified to be voted for at the immediately preceding general election (§ 235-7(g), Supp.).

Vacancy in Office.

When a vacancy occurs in the office of United States Senator, the vacancy shall be filled for the unexpired term at the following state general election, provided that the vacancy occurs not later than 4:30 p.m. on the sixtieth day prior to the date of the primary for nominating candidates to be voted for at the election; otherwise at the state general election next following. The chief election officer shall issue a proclamation designating the election for filling the vacancy. Pending the election, the governor shall make a temporary appointment to fill the vacancy and the person so appointed shall serve until the election and qualification of the person duly elected to fill the vacancy and shall be a registered member of the same political party as the Senator causing the vacancy. All candidates for the unexpired term shall be nominated and elected in accordance with this title (§ 17-1).

IDAHO

Unless otherwise designated, references are to the Idaho Code Annotated and to the 1981 Cummulative Pocket Supplement.

The State of Idaho will not be holding senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its senatorial elections.

Primary election, when held.

Fourth Tuesday in May, 1980, and every two years thereafter on the same Tuesday (§ 34-601).

Political Party.

Created in one of three ways: either (1) having three or more candidates for state or national office listed under party name at last general election; (2) having one of its state or national candidates poll at least three percent of the aggregate vote cast for governor; or (3) by a petition of qualified electors equal to three percent of the aggregate vote cast for presidential elections at the last presidential election (no more than twenty percent of those signing may reside in any one county), filed with Secretary of State on or before May 30 of general election year (§ 34-501).

All candidates for U.S. Senator to be nominated at primary or as otherwise provided by law (§ 34-703).

Nominating Papers, Petitions, Etc.[1]

Party candidates.—File declaration of candidacy between April 1 and 5:00 p.m. April 7 (§ 34-704) with Secretary of State (§§ 34-604, 34-705) and attach thereto a petition with the signatures of 1,000 qualified electors (§ 34-604)(3)).

Independent candidate.—Prohibited in primary (§ 34-708(1)). In general election, file after primary but prior to June 25 of general election year declaration of candidacy with Secretary of State (§ 34-705), along with petition as for party candidates, *supra,* and proper filing fee, discussed *infra* (§ 34-708(2)).

Filing Fees and Assessments.

$250 (§ 34-604), payable when filing declaration of candidacy, in cash, cashier's check or postal money order (§ 34-702).

Crossfiling by Candidates.

Prohibited. All candidates must declare party affiliation in declaration of candidacy; and candidates who file a declaration of candidacy under a party name and are not nominated at the primary election may not be allowed to appear on the general election ballot under any other political party name, or as an independent candidate (§ 34-704; see also *State ex rel. Mitchell* v. *Dunbar,* 39 Idaho 691, 230 P. 33 (1924)).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 18-2305, 18-2319, 18-2320).

Intimidation of or hindering voter (§§ 18-2305, 18-2319).

Gift or promise of money or thing of value to person to vote or not to vote (§§ 18-2305, 18-2319).

Betting on outcome of election (§ 18-2314).

Unidentified advertising and other printed matter (§ 67-6614(A)).

Election coercion by employer (§ 18-2319).

Tampering with voting machines (§ 34-2404).

Placing campaign literature, placards, etc., in voting booths (§ 18-2323).

Neglect or malfeasance by election official (§ 18-2301).

False swearing as to qualification as a voter (§ 18-2302).

Refusal of voter to be sworn or to answer questions (§ 18-2303).

Procuring illegal votes (§ 18-2304).

Illegal voting or interference with election (§ 18-2306).

Attemping to vote when not qualified, repeat voting (§ 18-2307).

Attempt by election officer to ascertain how voter voted (§ 18-2308).

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[1] Idaho laws (Supp. §§ 34-604-605) contain a provision that candidates for U.S. Senate and House of Representatives shall have resided within the State two years preceding their elections. Such requirements for candidates for Congress have been held to be unenforceable. See *Hellman* v. *Collier,* 217 Md. 93, 141 A. 2d 908 (1958); *Salinger* v. *Rogers,* 61 Adv. Calif. Repts. No. 3 (Mar. 27, 1964).

Election officers attempting to change result (§ 18-2309).

Forging or counterfeiting election returns (§ 18-2310).

Aiding and abetting election offenses (§ 18-2312).

Riotous conduct and interference with election (§ 18 2313).

Tampering with certificates of nomination or ballots (§ 18-2316).

Destroying or defacing election supplies (§ 18-2317).

Electioneering at polls (§ 18-2318).

Illegal registration of voter, fraudulent permission of registration (§§ 18-2321, 18-2322).

Noncompliance with election laws by election officers (§§ 34-212, 34-214).

Knowingly voting in wrong precinct (§ 34-1106(3)).

Disclosure of classified information by election officers (§ 34-1110).

Write-in Provisons.

Permitted in primary (§ 34-904) and general elections (§ 34-906); on voting machines (§ 34-2410(1)(c)). To get on general election ballot, write-in candidate must receive as many write-in votes in the primary as are required on the petition filed with the declaration of candidacy (§ 34-702).

Tax Provisions.

Individuals are allowed a tax credit in the amount of one-half of all political contributions, up to a maximum credit of $5 ($10 for a joint return) (§ 63-3024(B), Supp.).

Taxpayer may designate $1 of taxes to state election fund, either earmarked to a particular political party or to the general fund (§ 63-3088, Supp.).

Vacancy in Office.

Whenever any vacancy shall occur in the office of United States Senator from the State of Idaho by death, resignation or otherwise, the governor shall have the power and is hereby authorized and empowered to fill such vacancy by appointment, and the person so appointed shall hold office unit such time as a United States Senator is regularly elected to fill such vacancy, at the next succeeding general election, and qualifies by virtue of such election; provided, however, that in case a vacancy occurs in the position of United States Senator from the state of Idaho within 30 days of any general election, no election for United States Senator to fill said vacancy shall be held at such general election (§ 59-910).

ILLINOIS

Unless otherwise indicated, references are to Chapter 46 of the Illinois Revised Statutes and to the 1981-1982 Cumulative Annual Pocket Parts.

The State of Illinois will not be holding senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its senatorial elections.

Primary Elections, when held.

Third Tuesday in March (information obtained from State Board of Elections).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Petition for nomination, including statement of candidacy (§ 7-10, Supp.), and non-Communist oath (§ 7-10.1 Supp.). Petitions for nomination must be signed by not less than 5,000 nor more than 10,000 primary electors of party (§ 7-10, Supp.); file with State Board of Elections not more than 99 days and not less than 92 days before primary (§ 7-12(1), Supp.). *Note:* While certain statutory election-time provisions have been held to be not mandatory, but directory only, the rationale of such holdings is that such provisions were enacted to provide an orderly procedure and ample time for clerk to prepare the ballots, and that where ample time yet remains for clerk to perform his duty, these time provisions do not need to be strictly followed. *People ex rel. Richter* v. *Telford,* 103 Ill. App. 2d 132, 242 N.E. 2d 464 (1968).

Nomination papers filed under section 7-12 are not valid if the candidate fails to file a statement of economic interests as required by the Illinois Governmental Ethics Code in relation to his candidacy with the appropriate officer by the end of the period for the filing of nomination papers, unless he has filed a statement of economic interests in relation to the same governmental unit with that officer within a year preceding the date on which the nomination papers were filed (§ 7-12(8), Supp.).

Minor and new party candidates and independent candidates

Petition for nomination (minor and new parties) *and nomination papers* (independents), including statement of candidacy and non-Communist oath (§ 10-2, Supp.). Include signatures of not less than one percent of voters who voted at the last statewide election or 25,000 qualified voters, whichever is less (§§ 10-2, 10-3, Supp.). Present to State Election Board at least 92 days before the general election for endorsement by the Board and for subsequent deposit with the Secretary of State (§ 10-6 Supp.). *Note:* Sections 10-1 *et seq.* of this chapter should be interpreted liberally to permit candidates to qualify. *Bacon* v. *Holzman,* 264 F. Supp. 120 (N.D. Ill., E.D., 1967).

Filing Fees and Assessments.

No statutory provisions were found.

Crossfiling by Candidates (§ 10-7, Supp.).

Prohibited. If candidate's name appears on petition of more than one party or group, candidate must choose one. If nominated for two or more incompatible offices, candidate must choose one.

Subversive Parties Barred from Ballot.

Communist Party.—§§ 7-10.1,10-2, Supp.; § 7-2.

Party advocating overthrow of Government by force or violence.—§§ 7-10.1, 10-2, Supp.; § 7-2.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 29-1, 29-2, Supp.).

Intimidation of or hindering voter (§ 29-4, Supp.).

Gift or promise of money or thing of value to person to vote or not to vote (§§ 29-1, 29-2; Supp.).

Unidentified advertising and other printed matter (§ 29-14, Supp.).

Furnishing or drinking intoxicating liquor in polling place on election day (§ 17-26, Supp.).

Tampering with voting machine (§ 29-7, Supp.), ballot box (§ 29-8, Supp.).

Selling of vote (§ 29-3, Supp.).

Voting more than once (§ 29-5, Supp.).

Mutilation of election materials (§ 29-6, Supp.).

Unlawful observation of voting (§ 29-9, Supp.).

Election perjury (§ 29-10, Supp.).

Failure to comply with order of election authority (§ 29-11, Supp.).

Use of appropriated funds to influence election (§§ 101-104, Supp.).

Disregard of election code (§ 29-12, Supp.).

Neglect of duty by election officers (§ 29-16, Supp.).

Deprivation of constitutional rights with respect to voting (§ 29-17, Supp.).

Conspiracy to prevent vote (§ 29-18, Supp.).

Providing false information, encouraging another to do so, etc., in connection with registration (§ 29-19, Supp.).

Write-in Provisions.

Permitted in primary (§ 7-46, Supp.), in general election (§ 17-11, Supp.), on voting machines (§ 24-1, Supp.), and on punch card voting system (§ 24A-7, Supp.).

Vacancy in Office.

When a vacancy shall occur in the office of United States Senator from Illinois, the Governor shall make temporary appointment to fill such vacancy until the next election of representatives in Congress, at which time such vacancy shall be filled by election, and the senator so elected shall take office as soon thereafter as he shall receive his certificate of election (§ 25-8).

INDIANA

Unless otherwise indicated, references are to the Indiana Statutes Annotated (Burns, 1972), and the 1980 Cumulative Pocket Supplement.

Primary Elections.

When held.—First Tuesday after first Monday in May in general election years (§ 3-1-9-4). May 4, 1982.

Nominating papers, petitions, etc., for candidate for United States Senate.

Party primary candidate

Declaration of candidacy.—File declaration of candidacy with secretary of state, by noon on the 60th day preceding the primary (earliest filing date: 90 days before primary) (§ 3-1-9-5). 1982 filing deadline: March 5, 1982.

Nominating Petitions.—File petitions, signed by at least 5,500 registered voters of the State (at least 500 from each congressional district), with declaration of candidacy (§ 3-1-9-5). 1982 filing deadline: March 5, 1982.

Independent candidate, and candidate of new and minor party

Petition of nomination.—Signatures required, from registered voters, equal in number to one-half of one percent of total vote of all parties cast for secretary of state at last preceding general election (§ 3-1-11-1). File with Governor (*ibid.*) not later than noon on the sixtieth day before the primary (§ 3-1-11-5). 1982 filing deadline: March 5, 1982.

Candidate's consent.—Must be filed with Governor before candidate can be selected.

Filing Fees and Assessments.

No provisions were found.

Crossfiling by Candidates.

Prohibited. Candidate must be registered voter and member of party in primary election. Any person who executes and files a declaration of candidacy for any salaried office is disqualified from filing a declaration of candidacy for any other salaried office until the original declaration of candidacy is withdrawn (§ 3-1-9-5).

Subversive Parties Barred from Ballot.

Advocating overthrow of Government by force.—Section 3-1-11-12, requiring all political parties to submit a loyalty oath stating that they did not advocate the overthrow of local, state, or national government by force or violence, was declared unconstitutional as infringing on the First and Fourteenth Amendment freedoms in *Communist Party of Indiana* v. *Whitcomb*, 414 U.S. 441 (1974).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 3-4-7-1, 3-4-7-2, 3-1-32-41, 3-1-32-35).

Intimidation of or hindering voter (§§ 3-1-32-19, 3-1-32-41).

Political advertising, false statements or improperly identified (§§ 3-4-4-2, 3-1-32-62).

Giving or promising to give money, advantage, or thing of value to a person to vote or not to vote (§§ 3-4-7-1, 3-4-7-2, 3-1-32-41, 3-1-32-35).

Bribery of officers or members at a political nominating meeting (§§ 3-4-7-1, 3-4-7-2).

Betting on outcome of election (§§ 35-41-1 et seq.).

Failure to give employee 4 hours off to vote (§ 3-1-21-7).

Illegal voter (§ 3-1-32-10).

Voting in wrong precinct (§ 3-1-32-11); importing voters (§ 3-1-32-14).

Breaking ballot box, altering returns (§ 3-1-32-15).

Election officers neglecting duties (§ 3-1-32-17), failing to appear for supplies (§ 3-1-32-16).

Interference with election officers, watchers, voters; bribing election officials (§ 3-1-32-19).

Tampering with ballot packages, aiding in destruction or loss of ballots by election officer (§ 3-1-32-20); permitting ballots to be taken (§ 3-1-32-21).

Election officers tampering with voting machine (§ 3-1-32-22), false voting machine returns (§ 3-1-32-23).

Election officer or employee marking, mutilating or defacing ballot (§ 3-1-32-24).

Possession of blue pencils while counting votes (§ 3-1-32-25).

Depositing ballots with distinguishing marks or without clerk's initials (§ 3-1-32-26).

Placing distinguishing mark on ballot (§ 3-1-32-27).

Revealing how elector voted (§§ 3-1-32-28, 3-1-32-40).

Voting machine violations (§§ 3-1-32-30, 3-1-32-31).

Fraud by election officer (§ 3-1-32-32).

Altering returns (§ 3-1-32-33).

Election official refusing to receive vote (§ 3-1-32-34); persuading, coercing, or bribing voter (§ 3-1-32-35).

Member of a precinct board opening or marking ticket (§ 3-1-32-36).

Deceiving illiterate voter (§ 3-1-32-37).

Defrauding voter (§ 3-1-32-38).

Removing or destroying election conveniences (§ 3-1-32-39).

Election coercion by employer (§§ 3-1-32-41, 3-4-7-3).

Removing ballot or pencil from election room, possession of same outside election room (§ 3-1-32-45).

Felonious acts of printer of ballots (§ 3-1-32-46).

Unauthorized person attempting to enter election room; remaining too close to polls (§ 3-1-32-47).

False application for registration (§ 3-1-32-50); signature by other than applicant for registration, false statements (§ 3-1-32-51); destroying or secreting registration affidavits or forms (§ 3-1-32-53); registering or offering to register more than once (§ 3-1-32-54).

Furnishing false information to polltaker (3-1-32-56), withholding information from polltaker (§ 3-1-32-55), false return by polltaker (§ 3-1-32-57).

Unauthorized printing of primary election ballots (§ 3-1-32-61).

Certain political activities by policemen and firemen (§§ 3-1-32-68, 17-3-14-7, Public Law No. 15, Laws 1979).

False accusations (§ 3-4-7-5).

Unlawful application for a ballot (§ 3-4-7-4).

Electioneering on election day (§ 3-1-32-40).

Write-in Provisions.

Permitted in general elections and primaries (§ 3-1-25-18); on voting machines (§ 3-1-31-2); on punchcard voting systems (§ 3-2-4-3).

Vacancy in Office.

When, for any cause whatsoever, a vacancy occurs in the representation of the state of Indiana in the Senate of the United States, the same shall be filled forthwith by the governor, who shall have power to appoint to fill such vacancy some suitable person possessing the qualification necessary for Senator. The person so appointed shall hold office until the next regular election of state officers, when such vacancy shall be filled by the election of a Senator, who shall hold office for the unexpired term (§ 3-1-13-2).

Unless otherwise indicated, references are to the Iowa Code Annotated, including the 1981-1982 Cumulative Annual Pocket Parts.

The State of Iowa will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its Senatorial elections.

Primary Elections, when held.

First Tuesday after the First Monday in June in even-numbered years (§ 43.7).

United States Senators shall be nominated and elected in the year preceding the expiration of term of office of incumbent (§ 43.6).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Nomination papers.—Signatures are required of at least one percent of the party voters in each of at least ten counties of the State and in the aggregate not less than one-half of one percent of total party vote in State as shown in last general election (§ 43.20). File with State Commissioner of Elections not more than 85 nor less than sixty-seven days before primary (filing deadline: 5 p.m.) (§ 43.11(2)).

Affidavit by candidate of eligibility to party candidacy.—File with nomination papers (§§ 43.18, 43.19).

Candidacy of nonparty political organizations.—Party which did not cast at least two percent of total vote cast for President or Governor at last general election (§ 43.2) may nominate 1 candidate by convention or caucus (§ 44.1).

Nomination certificate signed by the chairman and secretary of convention or caucus shall be filed with State Commissioner of Elections not more than eighty-five or less than sixty-seven days (filing deadline: 5 p.m.) before general election (§§ 44.2, 44.3, 44.4), together with names of at least two hundred fifty qualified electors who attended convention or caucus, with at least one elector from each of twenty-five counties (§ 44.1).

Independent candidates.

Nomination petition.—Signatures are required of not less than 1,000 qualified voters of the State (§ 45.1). File with State Commissioner of Elections not more than eighty-five nor less than 67 days (deadline: 5 p.m.) before general election (§§ 44.4, 45.4).

Minimum Requirement for Nomination.

Party candidate.—The candidate receiving the highest number of votes at the primary shall be the party nominee provided he received not less than thirty-five percent of all votes cast by his party for United States Senator (§ 43.65).

If no candidate receives the required percentage, the nomination shall be made by State convention (§§ 43.65, 43.78(1)(a)).

Write-in candidate.—A write-in candidate at the primary election who receives the highest number of votes receives the nomination the same as if his name had been printed on the ballot. However, if there is no candidate on the official primary ballot of a political party for nomination to the Senate, a write-in candidate may receive the nomination only if he receives a number of votes equal to at least thirty-five percent of the total vote cast for all the party's candidates for that office in their last such primary election (§ 43.66). Such candidate must file candidate's affidavit within seven days after completion of primary canvass (§ 43.67).

Filing Fees and Assessments.

No statutory provisions were found.

Crossfiling by Candidates.

Prohibited. Candidate must be affiliated with party (§ 43.18, generally; § 43.67, write-in candidates). If nominated by more than one party, candidate must select one (§ 49.39). Voter in primary may write in the name of a person who is a candidate on some other party ticket, but this is not counted on the other party ticket (§ 43.39). Name of any candidate shall not appear more than once on ballot for the same office (§ 49.38).

The name of a candidate nominated by any other method than by petition shall not be added to the general election ballot by petition (§ 45.2).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 43.120, 722.4, 722.6).

Intimidation of or hindering voter (§§ 49.107, 722.8, 722.9).

Promise of appointment to position, place, or office in return for election support (§§ 49.120, 49.121).

Use of public motor vehicles for transporting political literature or persons engaging in a political campaign (§ 721.4).

Treating voters, electioneering during election near polls, etc. (§ 49.107).

Election coercion or intimidation of employees by employer (§ 49.110).

Pool selling, recording or registering bets on outcome of nomination or election (§ 725.10).

Employee to have time off for voting without loss of pay if he does not have three hours outside working hours when polls are open (§ 49.109).

Improper use of party name (§ 43.121).

Destroying, defacing election materials prior to closing of the polls (§ 49.111).

Bribery of election officials (§ 722.6).

Political activity by State officers and employees during their hours of employment (§ 721.5), political solicitation from State officers and employees (§ 721.3).

Tampering with voting machines (§ 52.20).

Voting more than once, voting when not qualified (§ 722.5).

Misconduct by election officer (furnishing improper ballot, false entry on voter list or poll book, refusing lawful votes, etc.) (§ 722.7).

Misconduct by party committeeman or primary election officer or public officer with regard to primary elections (§ 43.119); by officers or employees with regard to permanent registration (§ 48.16).

Riotous or disorderly conduct at polling place (§ 49.105).

Distinguishing marks on ballots, disclosing votes, etc. (§ 49.107).

False affidavit in connection with absentee ballot (§ 53.34); refusal to return ballot (§ 53.35); offenses by election officers (§ 53.36).

Write-in Provisions.

Permitted in primary (§§ 43.26, 43.66, 43.67) and in general election (§ 49.99); on voting machines (§ 52.16).

Tax Provisions.

Deduction of up to $100 is permitted for a contribution to a political party or parties (organization which at the last preceding general election cast for its candidate for governor or President at least two percent of the total vote cast at the election) (§ 422.9).

Any person whose state income tax liability for any taxable year is one dollar or more may designate one dollar (two dollars if joint return) of such liability to be paid over to the "Iowa election campaign fund" for the account of any specified political party when submitting his state income tax return to the department of revenue (§§ 56.18 *et seq.*).

Vacancy in Office.

In the office of United States Senator, when the vacancy occurs when the Senate of the United States is in session or when such Senate will convene prior to the next general election, it shall be filled by the governor. Such appointment shall be for the period until the vacancy is filled by election pursuant to law (§ 69.8).

If a vacancy occurs in the office of Senator in the Congress of the United States seventy-five or more days prior to a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person qualified (§ 69.13).

The Governor has no power to make appointment to fill vacancy in office of United States Senator unless when vacancy occurs the Senate of the United States is in session or will convene prior to next general election. Op. Atty. Gen. 1936, p. 609.

Where vacancy occurs when the Senate of the United States would convene prior to the time of holding of the next general election, the governor would appoint a Senator to serve until his successor was elected and qualified. Such appointee would serve until the time of the issuance of the certificate of election of the board of canvassers after the general election in November. Op. Atty. Gen. 1925, 1926, p. 413.

KANSAS

Unless otherwise designated, references are to Kansas Statutes Annotated, 1973, and 1980 Supplement thereto.

The State of Kansas will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its Senatorial elections.

Primary Elections, when held.

First Tuesday in August of even-numbered years (§ 25-203), for nomination of candidates for United States Senator whose term will expire during next succeeding calendar year (§ 25-101).

Nominating Papers, Petitions, Etc. (See generally Sufficiency of Petitions, §§ 25-3601-3607).

Party candidate for primary

Nomination papers.—Signatures are required, equal in number to not less than one percent (1%) of the total vote of the party for Secretary of State at the last preceding election (§ 25-205, as amended, Chap. 164, Laws 1981). File with Secretary of State (§ 25-208) not later than 12 o'clock noon on June 20, prior to primary (§ 25-205, as amended, Chap. 164, Laws 1981).

Declaration of intention to become a candidate.—May be filed by candidate in lieu of nomination papers, with Secretary of State, not later than 12 o'clock noon on June 20, prior to primary (§ 25-205, as amended, Chap. 164, Laws 1981) (filing fee then required; see discussion *infra*).

New or minor parties

Candidate of new party having a State or national organization or minor party which appeared on general election ballot at last preceding general election but whose candidate for Secretary of State did not poll at least five percent of total State vote for Secretary of State.

Such parties may nominate candidates by convention or caucus to be called by State chairman only after filing with the Secretary of State at least sixty days before the deadline for filing nomination paper and declarations of candidates, petitions signed by qualified electors equal in number to at least three percent of the total vote cast for all candidates for Governor in the State in the last preceding general election (§§ 25-302a, 25-202).

Party certificate of nomination, signed by presiding officer and secretary of convention or caucus, should be filed with Secretary of State not later than 12 o'clock noon on June 20 (§§ 25-202, 25-305, 25-302a).

Independent candidate

Independent certificate of nominations.—Signatures of not less than 2,500 qualified voters of the State are required (§ 25-303). File with Secretary of State not later than 12 o'clock noon of June 20 (§ 25-305).

Filing Fees and Assessments (§ 25-206).

Fee is required only when party candidate for primary, in lieu of nomination papers, files declaration of intention to become a candidate.

Amount.—One percent of one year's salary.

Date of payment.—At time of filing declaration of intention to become candidate.

To whom paid.—Secretary of State.

Crossfiling by Candidates.

Prohibited. Candidate must be affiliated with party whose nomination he seeks (§ 25-205, as amended, Chap. 164, Laws

1981; §25-206). Candidate's name may appear only one place on ballot (§§25-213, 25-613, as amended, Chap. 165, Laws 1981).

No person shall accept more than one nomination for the same office (§25-306).

Subversive Parties Barred from Ballot.

Communist Party.—§§25-116, 25-117.

Advocating overthrow of Government by force.—§§25-116, 25-117.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§25-2409, 25-2410, 25-2417, 25-2418).

Intimidation of or hindering voter (§§25-2413, 25-2415).

Intoxicating liquor, sale on election day (§41-2704).

Refusal of employer to allow employee time off for voting (§25-418).

No electioneering or soliciting of votes on election day within polling place or within 250 feet of entrance (§25-2430).

Election coercion of employees by employer (§25-418).

Corrupt political advertising (failure to identify sponsors, etc.) (§25-2407).

Election perjury (false statements re: various election matters) (§25-2411).

Election forgery (signing other than own name to election papers) (§25-2412).

Disorderly election conduct (§25-2413).

Possessing false or forged election supplies (§25-2414).

Voting without being qualified (§25-2416).

Misconduct or fraud by election officers (§§25-2419, 25-2420).

Suppressing nomination papers or causing them not to be filed, etc. (election suppression) (§25-2421).

Unauthorized voting disclosure (§25-2422).

Tampering with election records (§25-2423).

Tampering with voting machine, or unauthorized possession of key (§25-2425).

Printing and circulating imitation ballots (§25-2426).

Marking ballots to identify (§25-2427).

Destruction of election papers or supplies (§§25-2428, 25-2429).

False impersonation of voter (§25-2431).

Use of voter registration lists for commercial purposes (§25-2320a).

False impersonation as party officer (§25-2424).

Various absentee voting offenses (§25-1128).

Write-in Provisions.

Permitted in primary only if there are no nomination petitions or declarations on file for any particular office. In such case the title of the office shall be printed on the ballot and names may be written in. In order to receive a write-in nomination in such a case, a person must receive at least votes equal in number to ten percent of the total vote cast for all candidates for his party's nomination for governor at last gubernatorial primary (§25-213, as amended, Chap. 165, Laws

1981). Permitted in general election (§ 25-616); on voting machines (§ 25-1330); and on electronic voting systems (§ 25-4409).

Vacancy in Office.

When a vacancy shall occur in the office of United States Senator from this state, the governor shall make a temporary appointment to fill such vacancy until the next election of representatives in Congress, at which time such vacancy shall be filled by election, and the senator so elected shall take office as soon thereafter as he shall receive his certificate of election (§ 25-318).

KENTUCKY

Unless otherwise designated, references are to Kentucky's Revised Statutes Annotated (1971) and 1980 Supplement thereto.

The State of Kentucky will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its Senatorial elections.

Primary Elections, when held.

First Tuesday after fourth Monday in May of each year (§ 118.025(3)).

Nominating Papers, Petitions, Etc.

Party candidate for primary (of party which cast at least twenty percent of total vote at last presidential election) (§§ 118.105, 118.015(1)).

Notification and declaration of candidate accompanied by affidavit of two reputable electors who are members of his party. File with Secretary of State at least fifty-five days before primary. (§§ 118.125, 118.165).

Candidate of minor political party

Certificate of nomination.—Party which cast at least two percent but less than twenty percent of total vote of last presidential election may nominate by convention or primary election held by party in accordance with its constitution and bylaws. The certificate of nomination by such a convention or primary election, signed by presiding officer and secretary of convention or by the proper committee chairman and secretary, shall be filed with Secretary of State not less than fifty-five days before primary election (§§ 118.305, 118.325, 118.356, 118.365). Minor political parties that have failed to nominate candidate by convention may nominate by petition as in the case of an independent candidate (§ 118.325(5)).

Independent candidate

Nomination petition.—Signatures are required of 5,000 legally qualified voters of the State (§ 118.315). File with Secretary of State (§ 318.356) not less than fifty-five days before primary election (§ 318.365).

Filing Fees and Assessments.—No statutory provision.

Crossfiling by Candidates.

Candidate who is defeated in primary cannot have his name printed on general election ballot as candidate for same office as an independent or otherwise (§ 118.345; see also annotations).

Candidate nominated by primary or party convention and by petition can only have his name printed on ballot once and he may choose whether to be party candidate or independent (§ 118.335).

Offenses (for applicability to election of United States Senator, see § 119.295).

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 121.055, 121,310, 119,205).

Preventing voters from casting ballot (§ 119.155).

Interference with or intimidation of election officials (§§ 119.155, 119.255).

Gift or promise of money, or anything of value to procure or influence a vote (§ 119.205).

Intoxicating liquor, furnishing on election day (§ 119.215).

Agreeing for a consideration not to contest an election (§ 120.360).

Candidate guilty of corrupt practices in primary not to have name printed on ballot for regular election (§ 118.345(2)).

Election coercion or intimidation of employees by employer (§ 121.310).

Refusal to allow employee time off to vote (§ 118.035).

Failure to identify advertisements and communications with words "paid for by" and name and address of committee or treasurer (§ 121.190).

Assessment of State or Federal employees for election purposes (§ 121.320).

Wrongful registration (§§ 119.015, 119.025).

Alteration or destruction of registration records (§ 119.035).

Interference with registration (§ 119.045).

Alteration or suppression of nomination papers (§ 119.056).

Forgery of nomination papers (§ 119.065).

Improper printing of ballots (§§ 119.086, 119.095).

Destruction of election supplies or booths (§ 119.105).

Unauthorized possession of key to voting machine (§ 119.115).

Tampering with ballot labels or voting machines (§ 119.115).

Refusal to admit challenger (§ 119.145).

False personation of voter (§ 119.165).

Disobeying election officer's command (§ 119.185).

Removing or tampering with ballots (§ 119.195).

Alteration or destruction of stub books, returns, and certificates of election (§ 119.235).

Advising or assisting violation of elections laws (§ 119.275).

Write-in Provisions.

Permitted in general and special elections (§ 117.125).

Tax Provisions.

Taxpayers may designate that $1 of their tax liability ($2, if a joint return) be paid to a specified political party (§§ 141.071, 141.072).

Vacancy in Office.

The Governor shall fill vacancies in the office of United States Senator by appointment until the next regular election at which members of the lower branch of Congress are elected, and shall, under the Seal of the Commonwealth, certify the appointment to the President of the Senate of the United

States. The certificate of appointment shall be countersigned by the Secretary of State (§ 63.200).

LOUISIANA

Unless otherwise designated, references are to the Louisiana Statutes Annotated, Title 18 (1979) and 1980 supplement thereto.

The State of Louisiana will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its Senatorial elections.

Primary Elections, when held.

Third Saturday in September in year in which a U.S. Senator is to be elected (§§ 402(B)(1), 1272(A)).

Nominating Papers, Petitions, Etc.

A person who desires to become a candidate in a primary election shall qualify as a candidate by timely filing notices of his candidacy, which shall be accompanied either by the qualifying fee or by a nominating petition (§ 461).

Political parties.—See generally § 443.

The State central committee of a recognized political party may adopt rules and regulations for its government that are not inconsistent with the laws of Louisiana.

Notice of candidacy

A notice of candidacy shall be in writing and shall state the candidate's name, the office he seeks, the address of his domicile, the parish, ward, and precinct where he is registered to vote, and the political party, if any, with which he is registered as being affiliated. The notice of candidacy shall also include a certificate, signed by the candidate, certifying that he has read the notice of his candidacy and that all the statements contained in it are true and correct, and shall be executed before a notary public or witnessed by two persons who are registered to vote on the office the candidate seeks (§ 463).

Shall be filed with the Secretary of State and the Election Campaign Finance Committee (§§ 462(A), 463(B)) from the second Monday in July to 5:00 p.m. on the following Friday (§§ 466, 467, 468).

Nominating petition

Shall be filed with the Secretary of State and shall accompany the notice of candidacy (§ 465(A)).

A person may only be nominated by persons who are registered to vote on the office he seeks and sign a nominating petition for him no more than one hundred twenty days before the qualifying period opens for candidates in the primary election. Each voter who signs a nominating petition shall provide specified information and may not withdraw the nomination (§ 465(B)).

The number of qualified voters who must timely sign a nominating petition for an office voted on throughout the State is 5000, not less than 500 of which shall be from each of the congressional districts into which the State is divided (§ 465(c)(1)).

Nonsubversive affidavits must accompany all nominating papers (§ 14:372).

Filing Fees and Assessments (§ 464).

Amount.—$400.

Date of payment.—At time of filing notice of candidacy.

To whom paid.—Secretary of State.

A state central committee of a political party may fix and impose an additional fee to be collected in the manner provided in § 464(c).

Crossfiling by Candidates.

Prohibited. A person shall not become a candidate in a primary or general election for more than one office unless one of the offices is membership on a political party committee (§ 453A).

Subversive Parties Barred from Ballot.

Communist Party.—(§ 14:365).

Advocating overthrow of Government by force.—(§§ 14:358 to 14:373).

Offenses.

Unlawful solicitation of votes corruptly influencing voter, bribery (§ 1461(A)(4); § 1462(A)(1), as amended, Act 810, Laws 1980; §§ 14:118, 14:120, 14:119, as amended, Act 558, Laws 1980).

Forging or altering election materials (§ 1461(A)(5)).

Intimidation of or hindering voter (§§ 1461(A)(6), (9), 14:122).

Voting or attempting to vote more than once (§ 1461(A)(7)).

Offering anything of value to or intimidating a public official concerning his duties (§ 1461(A)(8)).

Fraudulent voting or registration (§ 1461(A)(10), (11), (12), (13), (14)).

Tampering with voting machines (§ 1461(A)(15)).

Giving anything of value to a candidate who has withdrawn or been eliminated to secure his support for a remaining candidate (§ 1461(A)(17)).

Electioneering near polls on election day (§ 1462(A)(1), (2), (3), (4), as amended, Act 810, Laws 1980).

Intoxicating liquor, possession at polling place (§ 1462(D)(1)).

Appearance at a polling place in an intoxicated condition (§ 1462(D)(2)).

Advertising and other printed matter falsely alleging that a candidate is supported by another candidate, person, or political faction (§ 1463(B)).

Advertising and other printed matter without name of person responsible for publication or distribution, and, if an organization, without names and addresses of all officers and members (§ 1531; see also § 1463(C)).

Excessive charge for political advertisements (§ 1464).

Use of public funds to influence an elector or to appropriate to a candidate or political organization (§ 1465).

Write-in Provisions.

No statutory provisions (information received from office of Secretary of State).

Vacancy in Office (§ 1278, as amended, Act 76, Laws 1981)

The Governor may fill any vacancy in the office of United States Senator by appointment; however, if the United States Senate is in session when the vacancy occurs, the Governor, within ten days after receiving official notice of the vacancy, shall appoint a Senator to fill the vacancy.

If a vacancy occurs in the office of United States Senator and the unexpired term is more than one year, any appointment to fill the vacancy shall be temporary, and any Senator so appointed shall serve until his successor is elected at a special election and takes office, and the Governor, within ten days after receiving official notice of the vacancy, shall issue his proclamation for a special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the Governor in accordance with the provisions of R.S. 18:402(E). The election shall be conducted and the returns shall be certified as in regular elections for United States Senator.

If a vacancy occurs in the office of United States Senator and the unexpired term is one year or less, no special election shall be called by the Governor, and, if a Senator is appointed to fill the vacancy, he shall serve for the remainder of the unexpired term, and his successor shall be elected at the next regular election for United States Senator.

MAINE

Unless otherwise designated, references are to Title 21 Maine Revised Statutes Annotated (1965) and the 1980 Supplementary Pamphlet for use with the main volume.

Primary Elections, when held.

Second Tuesday of June of each general election year (§ 448). June 8, 1982.

Nominating Papers, Petitions, Etc.

Party Candidate for primary (§§ 444–446)

Primary petition.—Signatures by qualified voters of his party are required, equal in number to at least 2000 but not more than 3000. File with Secretary of State by or before 5 p.m. on April 1st of the election year in which it is to be used (§ 445). April 1, 1982.

Consent of candidate.—Written consent of candidate must be filed with his primary petition (§ 446).

Independent candidate

Nomination by petition.—Signatures by qualified voters of State are required, equal in number to at least 4,000 and not more than 6,000 voters. Must file petition in the office of the Secretary of State by 5 p.m. on April 1 of the election year in which it is to be used (§ 494). April 1, 1982. If the office is not contested, the deadline for filing with the Secretary of State is 5 p.m. on the date of the primary (§ 493).

Written consent of each candidate shall be filed with his nomination petition (§ 495).

NOTE: A person may file as a candidate for any federal, state, or county office either by primary election or nomination petition, but not by both (§ 491).

Write-in candidate (§ 450)

When no person has qualified as a candidate for nomination by primary election for an office by filing a primary petition and consent as provided by §§ 445 and 446, a person who fulfills the other qualifications prescribed by § 444, but whose name is not on the ballot, may be nominated at the primary election by receiving a number of valid write-in votes, as provided in § 921, sub § 2, equal to at least twice the number of signatures required under § 445, sub § 5, on a primary petition for a candidate for that office. If more than one such person receives this minimum number of write-in votes for an office, the person receiving the greater or greatest number of votes shall be nominated.

Within seven days after receiving notice of his nomination, a write-in candidate shall file a written acceptance with the Secretary of State. If such a candidate fails to do so, he becomes disqualified and his name shall not be printed on the general election ballot.

Filing Fees and Assessments: No statutory provisions.

Crossfiling by Candidates.

Prohibited. Primary petition must contain the name of candidate's political party (§ 445). Candidate's consent which must be filed with petition must state that candidate will accept the nomination of the party (§ 446). Candidate must be enrolled on April 1 in party named in petition (§ 444), and may not file a petition as a candidate for nomination by primary election within three months after filing an application to change his enrollment (§ 134(3)). An independent candidate for nomination by nomination petition must withdraw his enrollment in a party three months before the filing date for the nomination petition (§§ 135(2), 493).

A person may file as a candidate for any federal, state, or county office either by primary election or nomination petition, but not by both. A person may not file, whether by primary election or nomination petition, as a candidate for more than one federal, state, or county office at any election (§ 491).

Offenses.

See generally §§ 1578, 1579, 1580.

False registration or enrollment (§ 1579(2)).

Fraudulent placement or removal of the name of another on or from a voting list or general register (§ 1579(3)).

Voting by absentee ballot if present and able to vote in person (§ 1579(4)).

Removal of ballots from voting place except as authorized (§ 1579(5)).

Knowingly aiding an ineligible voter (§ 1579(6)).

Solicitation of votes from another knowing that other person is under guardianship because of mental illness (§ 1579(7)).

Interference with or attempt to influence a voter in marking his ballot (§ 1579(8)).

Unrequested assistance of another in voting (§ 1579(9)).

Intentional revealing of ballot to another (§ 1579(10)).

Unauthorized activity within 250 feet of voting place or registrar's office on election day (§ 1579(13)).

Unreasonable delay in registration or enrollment of another (§ 1580(1)).

Forging an absentee ballot, etc. (§ 1580(2)).

Tampering with ballots (§ 1580(3)).

Dual registration (§ 1580(4)).

Voting under assumed name (§ 1580(5)).

Improper voting (§ 1580(6)).

Unauthorized handling of voting machines or devices (§ 1580(7)).

Displaying or distributing a political advertisement in or on state-owned or state-leased property (§ 1575–A).

Bribery (Title 17–A § 602, as amended, chap. 349, Laws 1981).

Improper influence of voter (Title 17–A § 603).

Campaign expenditure for alcoholic beverages to be distributed to or consumed by voters while the polls are open on election day (§ 1395(6)).

Write-in Provisions.

Permitted in primary (§§ 450, 701); in general election (§ 702); on voting machines (§ 1032(3)); electronic voting system (§ 1063(3)).

Must write in the residence of the person whose name is written in before elector's vote shall be counted. Municipality of residence of candidate must be written (§§ 701, 702, 921, 922).

Income Tax.

Every individual who is entitled to a tax refund may designate that one dollar of the refund be paid to any specified political party. Every individual who is not entitled to a refund may add one dollar to his tax liability to be paid to any specified political party (Title 36 § 5283).

Vacancy in Office.

Within a reasonable time after a vacancy occurs, the Governor shall appoint a qualified person to fill the vacancy until his successor is elected and qualified (§ 1531(1)).

If the vacancy occurs sixty days or more before a regular primary election, nominees must be chosen at the primary and a successor elected for the remainder of the term at the general election (§ 1531(2)).

If the vacancy occurs less than sixty days before a regular primary election, nominees must be chosen at the next regular primary following the one in question, and a successor elected for the remainder of the term at the general election (§ 1531(3)).

MARYLAND

Unless otherwise designated, references are to Article 33 Maryland Annotated Code 1957 (1976 Replacement Volume) and the 1980 Supplement thereto.

Primary Elections, when held.

Second Tuesday after first Monday in September except on second Tuesday in May in those years in which a national convention is held to nominate a President and Vice President (§ 5–2). September 14, 1982.

Nominating Papers, Petitions, Etc.

Certificates of candidacy for the nomination of Members of Congress must be filed with the State Administrative Board of

Election Laws (§ 4A-2(a)). Deadline for filing: Monday, 9:00 p.m., seventy days before the primary election (§ 4A-3). July 6, 1982.

Independents and minor party candidates (see § 4B-1).

Certificate of candidacy.—Must be filed under oath with the State Administrative Board of Election Laws not later than 9:00 p.m. on the Monday which is ten weeks or seventy days before the primary (§§ 7-1, 4A-1, 4A-2, 4A-3). July 6, 1982.

Nominating petitions.—Nominating petitions signed by three percent of registered voters eligible to vote for U.S. Senator. File with board of supervisors of elections where the signers of the petition reside (§ 7-1(f)). A portion of a petition that contains at least one-third of required total number of signatures is to be filed at time of filing of certificate of candidacy (§ 7-1(c)(1)). July 6, 1982. The remainder of the petition is to be filed by 5 p.m. on the first Monday in August in the election year (§ 7-1(c)(2)). August 2, 1982.

Write-in candidates

Certificate of candidacy.—Must be filed with the State Administrative Board of Election Laws no later than seven days after total expenditure of $51 is made in candidate's behalf, but not after noon on fourth day before election (§ 4D-1).

Filing Fees and Assessments (§ 4A-6).

Required of all candidates, including minor party and write-in candidates. Can be waived upon filing of sworn statement of inability to pay.

Amount.—$290.

Date of payment.—At time of filing certificate of candidacy.

To whom paid.—State Administrative Board of Election Laws.

Crossfiling by Candidates.

Prohibited. Candidate must be affiliated with the party whose nomination he seeks (§ 4A-1(a)).

A person who is defeated in the primary election may not have his name printed on the ballot at the succeeding general election as a candidate of any office, except he may be appointed to fill a vacancy in his party's nomination of which he was a candidate in the primary (§ 8-2).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 24-2(f) (g), 26-16(a)(1)).

Intimidation of or hindering voter (§ 24-2(g)).

Payment or promise of money, advantage, or anything of value to a person to vote or not to vote (§ 26-16(a)(1)).

Drink, providing or using at polls during election (§ 24-24).

Gifts or liquor to voters (Art. 27, § 28).

Illegal conduct of judges of election (§ 24-8).

Restrictions on highway advertisements (Art. 8, §§ 741, 742).

Payment or receipt of money for "walk-around services" (§ 26-9.1).

Payment or receipt of money for endorsement (§ 26-9.1).

Betting on outcome of election (§ 24-25).

Failure of employer to allow employee time off to vote (§ 24-26).

Advertising or other printed matter authorized by treasurer or candidate, without designation that it is printed or published by such authority and that it is an advertisement (§ 26-17(a)).

Charging more than normal rate for political advertising (§ 26-17(b)).

Offering a bribe, accepting or soliciting a bribe (§ 26-16(a) (1-3)).

Advertising or other printed matter concerning a candidate without name of person or officers of organization responsible for publication and distribution (§ 26-16(a)(7)).

Election coercion by employer (§ 26-16(a)(6)).

Electioneering near polls on election day(§ 24-23(a)(4)).

Breach of the peace (§§ 24-16, 15-1).

Tampering with voting machine (§ 24-19).

Retention of sample of political matter published or distributed (§ 26-17.1).

Defacing or removing records (§ 24-11).

Write-in Provisions.

Prohibited in primary (§ 5-3(d)).

Permitted in general election (§ 14-1(i)); on voting machines (§ 17-5(b); § 16-3(b)(3)).

Tax Provisions.

Taxpayer may add $2 to tax liability, to be paid into "Fair Campaign Financing Fund" (not used in Federal election campaigns) (Art. 81,§ 465; (§§ 31-1 through 31-6).

Vacancy in Office.

In the event of a vacancy in said office of Senator, however said vacancy may arise, the Governor of the State shall make a temporary appointment of a Senator who shall serve until the people shall fill such vacancy by nomination and election (§ 21-1(c)).

Special election.—It shall be the duty of the Governor of the State, within ten days after such vacancy shall have been made or becomes known to him, to issue a proclamation accompanied by a writ of election declaring and providing that at the next ensuing primary election held for the nomination of candidates for the House of Representatives, candidates for said unexpired portion of the term, said office of Senator in which such vacancy has occurred shall be nominated in the manner aforesaid. The election of a Senator to fill such unexpired portion of said term shall take place at the next ensuing general congressional election (§ 21-1(d)).

MASSACHUSETTS

Unless otherwise designated, references are to Chapter 53, Masachusetts General Laws Annotated (1975) and to the 1981 Supplement thereto.

Primary Elections, when held.

Seventh Tuesday preceding biennial State elections (Mass. General Laws, ch.53, § 28). September 14, 1982.

Primary elections shall be held only by political parties which polled at least three percent of the State vote for Governor at the last preceding biennial election (ch. 50, § 1, definition of "political party").

Nominating Papers, Petitions, Etc.

Political party candidate for primary

Nomination papers and candidate written acceptance.—Signatures of at least 10,000 qualified voters of his party are required (§ 44). A nomination paper must contain the candidate's written acceptance (§ 45, as amended, Chap. 172, Laws 1981). Submit nomination papers for *certification*, on or before 5 p.m. of the 28th day before date of filing (§ 46). May 4, 1982. File with Secretary of State on or before 1st Tuesday in June of the year in which a State election is to be held (§ 48). Last filing date in 1982—June 1, 1982.

Registrar's certificate, showing that candidate is enrolled voter of party whose nomination he seeks.—File with Secretary of State on or before deadline for filing nomination papers (§ 48).

Independent candidate

Nomination papers.—Signatures of voters are required equal in number to two percent of entire State vote for Governor at last biennial election (§ 6). *Candidate's written acceptance* must accompany nomination papers (§ 9). Submit nominatioin papers to registars of signers' city or town of voting residence, for *certification* on or before 5 p.m. of the 28th day before the date of filing (§ 7). May 4, 1982. File with Secretary of State (§ 9) on or before 1st Tuesday in June of the year in which a State election is held (§ 10). Last filing date in 1982—June 1, 1982. Also file certificate of non-enrollment in a party and of registration as voter by deadline for filing nomination papers (§§ 9,48).

No person may be nominated as an independent candidate for any office to be filled at a state election if he has been enrolled as a member of a political party during the ninety days prior to the last day for filing nomination papers (§ 6).

Write-in candidate

Candidate's written acceptance.—Candidate who was nominated by write-in votes at a primary must file, with Secretary of State, a written acceptance within thirteen days succeeding 5 p.m. of day of primary (§ 3, as amended, Chap. 386, Laws 1981). September 27, 1982.

Filing Fees and Assessments.—No statutory provisions.

Crossfiling by Candidates.

Prohibited. Candidate must be enrolled member of political party whose nomination he seeks (§ 48). Candidate cannot file as an Independent and also run on a major party ticket (§ 48A). No person may be nominated as an independent candidate if he has been enrolled as a member of a political party during the ninety days prior to the last day for filing nomination papers (§ 6). No person shall be a candidate for nomination for more than one office, except membership on a political committee (§ 46).

Subversive Parties Barred from Ballot.

Communist Party.—Ch. 50, § 1, definition of Political Party; ch. 264, § 16A, 17.

Advocating overthrow of Government by force.—Ch. 50, § 1, definition of Political Party; ch. 264, § 16.

Offenses (see ch. 55, § 4).

Unlawful solicitation of votes, corruptly influencing voter, bribery (ch. 56, § 32).

Intimidation of or hindering voter (ch. 55, § 32; ch. 56, §§ 29, 30).

Gift or promise of money or anything of value to person to vote or not to vote (ch. 56, § 32).

Solicitation of funds from candidate by various organizations and persons (ch. 55, § 11).

Solicitation of political contributions by non-elected public officers and employees (ch. 55, § 13).

Soliciting political contributions in public buildings (ch. 55, § 14).

Certain political contributions by nonelected public officers and employees (ch. 55, §§ 15, 16).

Threat or promise by public officers, etc., to change grade or compensation of public officer or employee for withholding or giving political contribution (ch. 55, § 17).

Sale or solicitation of tickets for testimonial dinners permitted for persons in elective public office, but not for appointees in law enforcement, regulatory or investigative bodies (ch. 268, § 9A).

Election coercion or intimidation of employee by employer (ch. 56, § 33).

Promise of appointment or use of official authority in order to influence vote (ch. 56, §§ 34, 35, 36).

Payment to or acceptance of payment by owner, publisher, etc., of newspaper to editorially advocate or oppose candidate (ch. 56, § 38).

Circulars or posters without name of person responsible for same (ch. 56, § 41).

Publication of any advertisement in a newspaper or other periodical without the signature of the person responsible therefore and without a statement authorizing the advertisement (ch. 56, § 39).

Publication of any advertisement in a newspaper or other periodical without designation that it is advertising (ch. 56, § 39).

Inclusion of name of any person in any political advertisement, circular, poster, or publication as an endorser or supporter without consent of such person (ch. 56, § 41A).

Publication of false statement in relation to a candidate (ch. 56, § 42).

Use of name of political party in political circular or advertisement without consent of such party (ch. 56, § 40).

Interference with distribution of political printed matter (ch. 56, § 43).

Use by candidate of word "veteran" unless he is a veteran (ch. 56, § 43A).

Refusal by employer to allow employee leave of absence for voting (ch. 149, § 178).

Distribution of lists of candidates for State office of more than one political party without political party designation of each candidate, or without the name of voter responsible for same (ch. 56, §§44, 44A).

Payment by candidate or political committee for naturalization fees of any person or for assistance in obtaining naturalization papers (ch. 56, §45).

Intoxicating liquor, sale on election or primary day during polling hours (ch. 138, §33).

Sale of alcoholic beverages in any portion of a building designated as a polling place during voting hours or while votes are being counted (ch. 54, §24).

Distribution of campaign material at polling place (ch. 54, §65).

Collecting signatures on petitions or nomination papers at polling place (ch. 54, §65).

Betting on outcome of election (ch. 271, §17).

Write-in Provisions.

Permitted in primary (§§3, 34, 35A), but person must receive at least as many write-in votes as equal to signatures that would be required to place his name on ballot as primary candidate (§40); and, in general election, on voting machines (ch. 54, §33D) and punchcard voting systems (ch. 54, §33E).

Tax Provisions.

Taxpayer may add $1 to tax liability to State election fund; however, fund is not used to finance elections of Federal office candidates (ch. 62, §6c; ch. 55A; ch. 10, §42).

Vacancy in Office.

The vacancy shall be filled for the unexpired term at the following biennial state election provided said vacancy occurs not less than seventy days prior to the date of the primaries for nominating candidates to be voted for at such election, otherwise at the biennial state election next following. Pending such election the governor shall make a temporary appointment to fill the vacancy, and the person so appointed shall serve until the election and qualification of the person duly elected to fill such vacancy (ch. 54, §139).

MICHIGAN

Unless otherwise designated, references are to Michigan Compiled Laws Annotated, 1967, and to the 1981–82 Supplement thereto.

Primary elections, when held.

Tuesday after first Monday in August preceding general November elections at which a United States Senator is to be elected (§§168.92, 168.534). August 3, 1982.

Nominating Papers, Petitions, Etc.

Party candidate for primary

Nominating petition and affidavit of identification.—Signatures of qualified registered electors are required, equal in number to not less than one percent nor more than four percent of number of votes cast by such party for Secretary of State at last preceding general November election, to include at least one hundred electors in each of at least twenty counties and not more than twenty-five percent of minimum number required may be from one county. File with Secretary of State not later than 4 p.m. of ninth Tuesday preceding August primary (§§ 168.93, 168.544c, 168.550). Last filing date in 1982—June 1, 1982. Candidate shall also file two copies of affidavit of identification with the Secretary of State at time of filing nominating petition (§ 168.558).

Candidate of minor party.—Whose principal candidate received less than five percent of total vote cast for Secretary of State in last preceding State election—nomination may be by convention (§§ 168.92, 168.532, 168.686a). Conventions must be held at least sixty-four days before the August primary (§ 168.686a). Last convention date in 1982—May 31, 1982. A certificate of nomination, a written notice of acceptance by the candidate, and an affidavit of identity must be filed with the Secretary of State within twenty-four hours of the conclusion of the convention (§ 168.686a).

Filing Fees and Assessments.—No statutory provisions apply to candidates for United States Senator.

Crossfiling by Candidates.

Prohibiting. If candidate is nominated by more than one political party, he must select one (§§ 168.692, 168.693). Candidate on primary ballot of one political party is not eligible as candidate of any other political party on general election ballot (§ 168.695).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 168.931 (a), (e); § 168.932(a)).

Intimidation of or hindering voters (§§ 168.931(d), 168.932(a)).

Promise of money or anything of value to a person to vote or not to vote (§ 168.931(b)).

Solicitation of votes at polling place (§ 168.931(p)).

Transportation of voters other than infirm or disabled (§ 168.931(k)).

Bribing officers or members at a political nominating meeting (§ 168.931 (n), (o)).

Betting on outcome of election (§ 168.931(q)).

Solicitation of funds from candidate by various organizations and persons (§ 168.931(c)).

Publication of false statement in relation to a candidate (§ 168.931(s)).

Election coercion or intimidation of employees by employer (§ 168.931(d)).

Candidate's indication of incumbency when in fact he is not the incumbent (§ 168.944).

Sale of liquor on days of election if so prohibited by local resolution or ordinance (§ 436.19e).

Tampering with voting machine (§ 168.790).

Possessing master key for any voting machine or device (§ 168.947).

Inducing improper applications for absentee voters when such voters are not qualified to vote (§ 168.945).

Write-in Provisions.

Permitted in primary (§§ 168.570, 168.572, 168.576); however, write-in candidate on primary ballot shall not be certified as a nominee unless he receives a total vote equal to not less than .15 of one percent of the total population of the state, but not less than ten votes, or a total vote equal to five percent of the greatest number of votes cast by the party for any office at the primary in the state, for a candidate or for all candidates for nomination for an office for which only one person is to be nominated, whichever is greater (§ 168.582).

Permitted in general, election (§ 168.706) on voting machines (§§ 168.782a, 168.784).

Tax Provisions.

Up to $50 ($100 in the case of a joint return) deduction for political contributions (§ 206.30(k)).

Taxpayer may designate $2 of State tax liability to State campaign fund; however, money is not used to fund Federal office campaigns (§ 169.261).

Vacancy in Office.

Whenever a vacancy shall occur in the office of United States Senator, the Governor shall appoint, to fill the vacancy, some suitable person having the necessary qualifications for Senator. The person so appointed shall hold office from the time of his appointment and qualification until the first day of December following the next general November election which occurs more than one hundred twenty days after such vacancy happens. At such general November election, a United States Senator to fill such vacancy shall be elected and the person so elected shall hold office from the first day of December following such election for the balance of the unexpired term of the Senator whose vacancy is filled. (§ 168.105.)

MINNESOTA

Unless otherwise designated, references are to Minnesota Statutes Annotated (1962) and the 1981 Supplement thereto

Primary Elections, when held.

First Tuesday after second Monday in September in even-numbered years (§ 204D.03(1), enacted by Chap. 29, Laws 1981). September 14, 1982.

Nominating Papers, Petitions, Etc.

Major party candidate for primary (see § 204D.10, enacted by Chap. 29, Laws 1981).

Affidavit of candidacy.—File with Secretary of State not more than seventy nor less than fifty-six days before primary (§§ 204B.03, 204B.09(1), enacted by Chap. 29, Laws 1981). Last filing date in 1982—July 20, 1982.

Independent.—Signatures are required to be obtained during the period allowed for filing nominating petitions (§ 204B.08(1), enacted by Chap. 29, Laws 1981), equal in number to one percent of the total number of persons voting at the last preceding State general election, or 2,000, whichever is less (§ 204B.08(3), enacted by Chap. 29, Laws 1981). File nominating petitions and affidavit of candidacy with Secretary of State not more than seventy nor less than fifty-six days before primary

(§§ 204B.03, 204B.09(1), enacted by Chap. 29, Laws 1981). Last filing date in 1982—July 20, 1982.

Filing Fees and Assessments (§ 204B.11, enacted by Chap. 29, Laws 1981).

Amount.—$150.

Date of payment.—At time of filing affidavit of candidacy.

To whom paid.—Secretary of State.

A petition signed by 2,000 voters may be presented in lieu of the filing fee.

Crossfiling by Candidates.

Prohibited. Candidates required to support party (§ 204B.06(2), enacted by Chap. 29, Laws 1981). Person who has been a candidate at the primary election shall not be eligible for nomination by petition for same office in that year (§ 204B.04(2), enacted by Chap. 29, Laws 1981). No person shall be named on the official ballot as candidate of more than one major political party (§ 204B.04(1), enacted by Chap. 29, Laws 1981). An independent candidate may not accept the support of any party for his candidacy in that election (§ 204B.06(3), enacted by Chap. 29, Laws 1981).

Subversive Parties Barred from Ballot.

The Minnesota Criminal Syndicalism Statute (Minnesota Statutes Annotated 1964, § 609.405) makes criminal the promotion of organizations advocating violence to accomplish political ends.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 210A.17, 210A.18; 210A.07, as amended, Chap. 29, Laws 1981).

Intimidation of or hindering voter (§ 210A.07).

Payment, giving, or promise of money, employment, appointment, or anything of value to a person to vote or not to vote (§ 210A.15).

Entertainment to promote an election (§ 210A.19).

Transportation of voters to and from polls (§ 210A.13).

Intoxicating liquor, furnishing (§ 210A.19), or possession at polling place (§ 204C.06(7), enacted by Chap. 29, Laws 1981).

Betting on outcome of election (§ 210A.20).

Advertising (paid) in newspapers, periodicals, or magazines without labeling same "Paid Advertisement," without including amount paid or to be paid for the advertisement, and without name and address of candidate or any other person authorizing same (§210A.05).

Compensation to owner, publisher, etc., of newspaper, or periodical, to attempt to influence election through newspaper or periodical, except for paid advertisement (§ 210A.06).

Campaign literature without name and address of candidate and of any other person or committee causing the same to be published or circulated (§ 210A.03).

Solicitation of funds from candidate by various specified organizations and persons (§ 210A.08).

Refusing or interfering with election privileges of employees, by employer (§ 210A.141, enacted by Chap. 29, Laws 1981).

False claim by candidate or other of support of candidate by party or any organization (§ 210A.02).

Payment or promise to reward person, to induce him to become or refrain from becoming or being a candidate (§ 210A.09).

Payment to voter for loss due to attendance at polls or in registering to vote (§ 210A.12).

Badges, buttons, etc., providing, to be worn at or about the polls on day of primary or general election (§ 210A.11).

Distribution of campaign cards, etc., by candidate on the day of any primary or general election (§ 210A.11).

Election coercion by employer (§ 210A.14).

Payment for personal services respecting elections except for hiring of challengers and watchers (§ 210A.12).

Disorderly conduct at polling places (§ 204C.06(1), (2) enacted by Chap. 29, Laws 1981).

Unlawful voting (§ 204C.14, enacted by Chap. 29, Laws 1981).

Damaging or removing election materials from polling place (§ 204C.06(3), (4), enacted by Chap. 29, Laws 1981).

Soliciting near polling place (§ 210A.10).

Refusing to provide employee time off to vote (§ 204C.04, enacted by Chap. 29, Laws 1981).

Mismarking voter's ballot (§ 204C.16, enacted by Chap. 29, Laws 1981).

Disclosing ballot (§§ 204C.16, 204C.17, enacted by Chap. 29, Laws 1981).

Noting voter's party in election register (§ 204C.18(1), enacted by Chap. 29, Laws 1981).

Placing identifying mark on voter's ballot (§ 204C.18(2), enacted by Chap. 29, Laws 1981).

Interfering with ballots during counting (§ 204C.19(1), enacted by Chap. 29, Laws 1981).

Premature disclosure of count results (§ 204C.19(3), enacted by Chap. 29, Laws 1981).

Improper delivery of returns (§ 204C.29, enacted by Chap. 29, Laws 1981).

Neglect of duty by election officials (§ 204C.41, enacted by Chap. 29, Laws 1981).

False statements in paid political advertising or campaign material (§ 210A.04, as amended, Chap. 266, Laws 1981).

Write-in Provisions.

Not permitted in primary (§§ 204B.36(2), 204D.08(2), enacted by Chap. 29, Laws, 1981). *Op. Atty. Gen.* 28-A-8, October 8, 1936; *State* v. *Johnson*, 91 N.W. 604, 840 (1902).

Permitted in general election (§ 204B.36(2), enacted by Chap. 29, Laws 1981); on voting machines (§ 206.07(4)); on punch card voting systems (§ 206.07(5)).

A candidate defeated for nomination at the primary may be elected to the same office by sticker at the November general election. *Op. Atty. Gen.* 1946, No. 71, p. 98.

Income Tax.

A credit against taxable net income is permitted for a political contribution to a major political party as defined in § 200.02(7), or a political candidate, as defined in § 210A.01 or a political cause when sponsored by any party or association or committee as defined in § 210A.01 in a maximum amount not to exceed the following:

(1) contributions made by individual natural persons, $100.

(2) contributions made by a national committeeman, national committeewoman, State chairman, or State chairwoman of a major political party, as defined in § 200.02(7), $1,000.

(3) contributions made by a congressional district committee man or committeewoman of a major political party, as defined in § 200.02(7), $350.

(4) contributions made by a county chairman or a county chairwoman of a major political party, as defined in § 200.02(7), $150.

A major "political party" as defined in § 200.02(7), as amended, Chap. 29, Laws 1981, means an organization which shall have maintained in the state, political division or precinct in question, a party organization and presented at least one candidate for election at the last preceding State general election, which candidate received votes in each county in that election and received votes from at least five percent of the total number of persons who voted in that election, or whose members present to the county auditor a petition for a place on the primary ballot, which petition contains signatures of a number of the party members equal to at least five percent of the total number of individuals who voted in the preceding State general election in the county where the application is submitted.

A "candidate," as defined in § 210A.01, means every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States.

"Committee" as defined in § 210A.01 means any personal campaign committee appointed by a candidate for any election, any party committee, or any political committee created by parties or associations to raise or disburse funds for nomination or election purposes or created by two or more persons joining together to raise or disburse funds in any election (§§ 290.21(3)(e), 290.21(3a)).

In lieu of the above credit, a taxpayer may take a credit of 50%, but not more than $50 ($100 in the case of a joint return), of his contributions to major political parties and candidates for elective State or Federal offices. A contribution to a candidate qualifies for this alternative credit only if the candidate (except a candidate for elective judicial office or Federal office) has agreed to limit his campaign expenditures (§ 290.06(11), as amended, Chap. 29, Laws 1981).

A taxpayer may designate that $2 is to be paid from the general fund of the State into the State elections campaign fund (§ 10A.31).

acancy in Office.

Every vacancy shall be filled for the remainder of the term by a special election, except that no special election shall be held in the year before the term expires. The special election shall be held at the next November election if the vacancy occurs at least six weeks before the regular primary preceding that election. If the vacancy occurs less than six weeks before the regular primary preceding the next November election, the special election shall be held at the second November election after the vacancy occurs. The Governor may make a temporary appointment to fill any vacancy (§ 204D.28, enacted by Chap. 29, Laws 1981).

MISSISSIPPI

Unless otherwise designated, references are to Mississippi Code 1972 Annotated and to the 1981 Supplement thereto.

Chapters 506 and 508, Laws of 1970, made certain significant changes in Mississippi's election laws. Because of an order of a three-judge Federal court entered on April 27, 1971 (327 F. Supp. 640), and the subsequent action of the State Board of Election Commissioners, these chapters, along with Chapter 510, Laws of 1971, were inoperative and had no effect on the primaries and the general election held in 1971. In the first Appendix to Title 23, contained in the 1981 Supplement, the full text of sections of the Mississippi Code of 1942, as they appeared prior to their amendment or repeal by Chapters 506 and 508 of 1970, is set out. Because of the continuing uncertainty of the status of these chapters, one may have reason to refer to these earlier sections. Each section appearing in the Appendix carries the section number and caption which the section carried prior to its amendment or repeal in 1970. Those sections of the Mississippi Code of 1942 which were amended by Chapters 506 and 508, Laws of 1970, have been brought into, and been made part of, the Mississippi Code of 1972. Those sections of the 1942 Code which were repealed by Chapters 506 and 508, Laws of 1970, have been omitted from the 1972 Code. *See* editor's note in Appendix A.

Chapter 452, Laws 1979, set out as Appendix B to the 1981 Supplement, enacted provisions relevant to the election of a candidate to the U.S. Senate. However, this law has not been effectuated pursuant to the Voting Rights Act of 1965 (information provided by office of Secretary of State of Mississippi).

Primary Elections, when held.

There shall be no presidential election for candidates for the office of United States Senator (§ 23-1-81).

If there is a senatorial primary, it shall be held on the first Tuesday in June preceding the general election at which a U.S. Senator is to be elected, with a second primary (runoff if no candidate received a majority in the first primary) to be held three weeks thereafter (§ 3111). First primary—June 1, 1982. Second primary—June 22, 1982.

Nominating Papers, Petitions, Etc.

All candidates must file affidavits stating that they will not violate Corrupt Practices Act, with Secretary of State prior to expiration of time for qualifying (§ 23-3-3).

Party candidate for primary

Names of candidates.—Must be furnished to chairman or secretary of proper executive committee of candidate's political party sixty days before primary (§ 3118). April 2, 1982.

Independent candidate

Nominating petition.—Signatures of 1,000 qualified electors are required. Petition should be presented to ballot commissioner no later than sixty days prior to the November general election (§ 23-5-134). September 3, 1982.

Filing Fees and Assessments.

Amount.—$300. (§ 3120).

Date of payment.—Sixty days before primary. (Supp. § 3121).

To whom paid.—Secretary of the state executive committee of his political party (§§ 3120, 3121).

Crossfiling by Candidates (§ 3129).

Prohibited. Candidate required to support party. A voter or candidate at a primary is excluded from later becoming a candidate of another party in the general election. "Every person who participates in a primary election for the nomination of party candidates thereby under the statute, is deemed and held to have entered into a pledge that he will in general election support the nominations made in the primary election in which he participates." Ops. Atty. Gen. 1931-33, p. 37. Also see 70 A.L.R. 1501 and 130 A.L.R. 1471; *Ruhr* v. *Cowan,* 146 Miss. 870, 112 So. 386 (1927). However, participating in a primary without being nominated therein does not preclude one from becoming an independent candidate upon the petition of other participants. *Bowen* v. *Williams,* 117 So.2d 710 (1960).

Offenses.

In primary elections. (The Corrupt Practices Act applies only to primary elections and not to any special or general election. *Ops. Atty. Gen.* 1935-1937, p. 94.)

Advertising and other printed matter without name and address of author and of printer and publisher thereof (§ 3141), or without consent of candidates (§ 23-3-37).

Solicitation of funds from or donations by candidate for educational, charitable, religious, or benevolent purposes (§ 3140).

Solicitation of funds from candidates (§ 23-3-27).

Public or private false statement in relation to a candidate (§ 23-3-33).

Free transportation, telegraph, or telephone service to candidate by common carrier, telegraph, or telephone company (§ 3138).

Election coercion or intimidation of employees by employer (§ 23-3-29).

Failure of newspaper, which printed editorial news story reflecting on moral character of a candidate, to publish such candidate's reply upon his request to do so (§ 23-3-35). See 96 A.L.R. 582.

Promising appointments (§ 23-3-31).

In primary and general elections

Unlawful solicitation of voters, corruptly influencing voters, bribery (§§ 3137, 97-13-1, 97-13-3, 97-13-33).

Promise of money, public employment, or anything of value to a person to influence election (§§ 3137, 97-13-1).

Intoxicating liquor, furnishing at elections (§§ 3132, 23-5-163).

Intimidation of or hindering voter (§§ 97-13-37, 97-13-39, 23-3-29).

Campaign contributions of more than $1,000 by corporations (§ 97-13-15).

Bringing armed men or troops near voting places; exceptions (§ 97-13-29).

Betting upon results of election (§ 97-31-1).

Disturbing election (§ 97-13-21).

Removing ballots from voting place before the close of the polls (§ 97-13-13).

Falsely procuring registration (§ 97-13-25).

Voting by unqualified person, or at more than one place, or for both parties in same primary (§ 97-13-35).

Write-in Provisions (§ 23-5-137).

Permitted in general election only in case of the death of a candidate, *McKenzie* v. *Boykin,* 111 Miss. 256, 71 So. 382 (1916). Votes cast in general election by writing name in blank space, for one who was candidate at primary election, but who was not nominated held illegal. *May* v. *Young,* 164 Miss. 35, 143 So. 703 (1932).

Punch card voting systems (§ 23-7-305).

Vacancy in Office.

If a vacancy shall occur in the office of United States Senator from Mississippi by death, resignation, or otherwise, the governor shall, within ten days after receiving official notice of such vacancy, issue his proclamation for an election to be held in the State to elect a Senator to fill such unexpired term as may remain, provided the unexpired term is more than twelve months and the election shall be held within ninety days from the time the proclamation is issued and the returns of such election shall be certified to the Governor in the manner set out above for regular elections unless the vacancy occurs in a year in which there shall be held a general State or congressional election, in which event the Governor's proclamation shall designate the general election day as the time for electing a Senator, and the vacancy shall be filled by appointment as hereinafter provided (§ 23-5-229).

In case of a vacancy, the Governor may appoint a Senator to fill such vacancy temporarily, and if the United States Senate is in session at the time the vacancy occurs, the Governor shall appoint a Senator within ten days after receiving official notice thereof, and the Senator so appointed shall serve until his successor is elected and commissioned; provided, that such unexpired term as he may be appointed to fill shall be for a longer time than one year, but if for a shorter time than one year, he shall serve for the full time of the unexpired term and no special election shall be called by the Governor, but his successor shall be elected at the regular election (§ 23-5-231).

MISSOURI

Unless otherwise designated, references are to Vernon's Annotated Missouri Statutes (1980) and the 1981 Supplement thereto.

Primary Elections, when held.

First Tuesday after first Monday in August of even-numbered years (§§ 115.121, 115.341). August 3, 1982.

If two or more persons receive an equal number of votes for nomination as a party's candidate for any federal office and a higher number of votes than any other candidate for the same office on the same party ballot, the Governor shall issue a proclamation stating that fact and order a special primary election to determine the party's nominee for the office (§ 115.515).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy.—On or before 5 p.m. on the last Tuesday in April preceding the primary (§ 115.349(1)). April 27, 1982. File with Secretary of State (§ 115.353(1)).

New parties and independents

Nomination petition.—Signatures of qualified voters are required in each of the several congressional districts, equal to at least one percent of the total number of votes cast in the district for governor in the last gubernatorial election or of a number of qualified voters in each of one-half of the several congressional districts which is equal to at least two percent of the total number of votes cast in the district for governor at the last gubernatorial election (§§ 115.315(4), 115.321(3)). New parties and independent candidates file with Secretary of State (§§ 115.315(1), 115.321(1)). The Secretary of State shall not accept for filing any petition for the formation of a new party or for the nomination of an independent candidate which is submitted prior to 8:00 a.m. on the day immediately following the general election next preceding the general election for which the petition is submitted or which is submitted after 5:00 p.m. on the first Monday in August immediately preceding the general election for which the petition is submitted (§ 115.329(1)). August 2, 1982.

Statement of candidacy.—Each petition for the nomination of an independent candidate or for the formation of a new political party shall include a declaration of candidacy stating that he is legally qualified to hold such office (§ 115.327).

Filing Fees and Assessments (§ 115.357).

Amount.—$100.

Date of payment.—Before filing declaration of candidacy.

To whom paid.—To the treasurer of the State central committee of the political party.

Exceptions.—(1) Any person who cannot pay the fee required to file as a candidate may have the fee waived by filing a declaration of inability to pay and a petition with his declaration of candidacy. (2) No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party, or a candidate for presidential elector.

Crossfiling by Candidates.

Prohibited. No person who files as a party candidate for nomination or election to an office shall, without withdrawing, file as another party's candidate or an independent candidate for nomination or election to the office for the same term. No person who files as an independent candidate for election to an office shall, without withdrawing, file as a party candidate for nomination or election to the office for the same term. No person shall file for one office and, without withdrawing, file for another office to be filled at the same election (§ 115.351).

Offenses.

Furnishing false information to an election authority or election official (§ 115.631(1)).

Voting more than once or voting when unentitled to vote (§ 115.631(2)).

Knowingly procuring an illegal vote to be cast (§ 115.631(3)).

Applying for a ballot in the name of another (§ 115.631(4)).

Defrauding a voter of his vote (§ 115.631(7)).

Knowingly removing any legal ballot from a ballot box to change the election count (§ 115.631(10)).

Knowingly damaging or concealing a ballot, poll list, etc. (§ 115.631 (11), (12)).

Destroying or damaging official ballots (§ 115.631(15)).

Tampering with voting machine (§§ 115.631(16), 115.633(2)).

Unlawfully registering to vote or procuring anyone else to register unlawfully (§ 115.631 (17), (18)).

Improper assistance to blind or disabled voter (§ 115.631(20)).

Tampering with the ballot box (§ 115.633(1)).

Gift or promise of money, employment, or anything of value to a person to vote or not to vote (§ 115.635(1)).

Intimidation of or hindering voter (§ 115.635(2)).

Impeding the free exercise of the franchise (§ 115.635(3)).

Giving of any money or gratuity in consideration of any grant or deputation of office (§ 115.635(4)).

Bringing a non-resident into the State so that the non-resident can vote without the proper qualifications (§ 115.635(5)).

Asking for, receiving, or taking any reward for voting or refraining from voting (§ 115.635(6)).

Defacing any sample ballots (§ 115.637(1)).

Printing false and fraudulent sample ballots (§ 115.637(2)).

Promising to discharge the duties of an office for less than the salary fixed by law as an inducement to voters (§ 115.637(4)).

Advertising and other printed matter without name and address of persons responsible for publishing and distributing same or of offices, if organization publishes or circulates same (§ 115.637(5)).

Employer's attempt to prevent employee from engaging in political activities (§ 115.637(7)).

Interfering with any voter inside a polling place (§ 115.637(17)).

Employer's refusal to allow employee time off to vote at a primary or general election (§ 115.639(1)).

Intoxicating liquor, furnishing on election day (Supp. §§ 311.480(3), 311.290).

Betting on outcome of election (§ 572.020).

Theft of registration books or lists of voters (§ 570.030).

INTENTIONAL
BLANK

Write-in Provisions.

Not permitted in primary (§ 115.395). Permitted in general election (§ 115.439(3)), on voting machines and electronic devices (§§ 115.225(2), (4), 115.231).

Vacancy in Office.

Whenever a vacancy in the office of Senator of the United States occurs, the Governor shall appoint a person to fill such vacancy who shall continue in office until a successor shall have been duly elected and qualified according to law (§ 105.040).

MONTANA

Unless otherwise specified, references are to the Montana Election Code.

Primary Elections when held.

First Tuesday after first Monday in June before the general elections (§ 13-1-107(1)). June 8, 1982

Nominating Papers, Petitions, Etc.*(See § 13-25-201.)

Party candidate for primary

Declaration of nomination.—No sooner than first business day in January of the election year and no later than 5 p.m. fifty days before the primary (§ 13-10-201). January 4, 1982, April 19, 1982, respectively. File with Secretary of State (§ 13-10-201).

Independent and minor party candidates

Petitions for nomination for such candidates shall contain signatures of five percent or more of the total vote cast for the successful candidate for U.S. Senator at the preceding general election (§ 13-10-502). File with the Secretary of State on or before filing deadline for the primary election (§ 13-10-503). April 19, 1982.

Write-in Candidate (§ 13-10-204).

Declaration of acceptance of nomination. Within ten days after canvass, file with Secretary of State.

Number of write-in votes required.—At least five percent of the votes cast for successful candidate for United States Senator at last preceding general election.

Filing Fees and Assessments.

Amount for party, minority party, independent, and write-in candidates.—One percent of annual salary (§ 13-10-202).

Date of payment.—No later than fifty days before the primary for party candidate (§ 13-10-201). April 19, 1982. For minor party and independent candidates, on or before the filing deadline for primary (§ 13-10-503). April 19, 1982. For write-in candidates, no later than ten days after official primary canvass (§ 13-10-204).

To whom paid.—Secretary of State (§ 13-10-201).

Indigent candidates.—If a candidate is unable to pay the filing fee, he may submit in lieu thereof a verified statement that he is unable to pay the fee and, if a candidate for party nomination, a nomination petition signed by five percent of the

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*No person shall be elected or appointed United States Senator or Representative who has not resided in Montana at least one year prior to his election or appointment (Supp. § 23-4404.) Such provisions have been held unenforceable. See *Hellman* v. *Collier*, 217 Md., 93, 141 A.2d 908 (1958); *Salinger* v. *Rogers 61* Adv. Calif. Repts. No 3 (Mar 27, 1964).

total vote cast for the successful candidate for U.S. Senator at the next preceding general election (§ 13-10-203).

Crossfiling by Candidates.

No candidate shall have his name printed on more than one ticket. If nominated on more than one ticket, candidate shall make a choice of tickets by filing written document with Secretary of State within ten days after nomination (§ 13-10-303). June 18, 1982.

An individual who has filed as an independent forfeits his place on the general election ballot as an independent candidate if he accepts a write-in nomination (§ 13-10-305).

Offenses (§ 13-35-103)

Unlawful solicitation of voters, corruptly influencing voter, bribery (§§ 13-35-215, 13-35-218).

Preventing public meetings of electors by intimidation, violence, etc. (§ 13-35-213).

Promise of money, employment, appointment, or anything of value to a person to vote or not to vote (§ 13-35-215).

Electioneering near polls on election day (§ 13-35-211).

Defacing or destroying election records, equipment, and materials (§§ 13-35-205, 13-35-206).

Intoxicating liquor and other food, drink, etc., treating voter to (§§ 13-35-214, 13-35-215).

Bribing officers or members at a political nominating meeting (§ 13-35-220).

Election materials without name and address of printer (if printed commercially) and name and address of person who made or financed the expenditure for the communication (§ 13-35-225).

Obstructing entrance to polling place (§ 13-35-218).

Tampering with voting machines (§ 13-35-206).

Election coercion by employers (§ 13-35-226).

Payment or receipt of money for inducing person to be or not to be a candidate (§ 13-35-221).

Coercion of public employees to contribute to a political committee or a candidate (§ 13-35-226).

Solicitation of political contributions by public employees while at their place of employment (§ 13-35-226).

Write-in Provisions.

Permitted in primary and in general election (§ 13-12-208); on voting machines (§ 13-17-103).

Vacancy in Office.

If a vacancy occurs, an election to fill the vacancy shall be held at the next general election. If the election is invalid or not held at that time, the election to fill the vacancy shall be held at the next succeeding general election. The Governor may make a temporary appointment to fill the vacancy until an election is held (§ 13-25-202).

Tax Provisions.

A deduction of up to $100 ($200 in the case of a joint return) is allowed for political contributions (Chapter 129, Laws 1979).

NEBRASKA

Unless otherwise designated, references are to the Revised Statutes of Nebraska 1943 (1978 reissue) and to the 1980 Supplement thereto.

Primary Elections, when held

First Tuesday after second Monday in May in even-numbered years (§ 32-505). May 11, 1982.

Nominating Papers, Petitions, Etc.

Primary candidates (only for party which polled at least five percent of State vote in last election (§ 32.521).

Nomination petition by candidate or by twenty-five electors of his party—at least sixty days before primary (§§ 32-514, 32-503.01). March 12, 1982. Filing of nomination papers by incumbent must be perfected seventy-five days before primary (§ 32-503.01). February 25, 1982. File with Secretary of State (§ 32-512).

Candidate's statement of party affiliation.—If petition is filed by twenty-five electors—file within five days after filing of nomination petition (§ 32-514(3)). March 17, 1982. If nomination petition is by candidate—include in petition (§ 32-514(2)). February 25, 1982.

Candidate by petition

Petition for nomination, signed by 2,000 electors of the State—at least seventy days prior to general election, file with Secretary of State (§ 32-504). August 30, 1982.

Acceptance of petition candidacy.—Within ten days after filing of petition for nomination; file with Secretary of State (§ 32-504). September 9, 1982.

Filing Fees and Assessments.

By primary candidates, by candidates by petition, and by write-in candidates (§§ 32-513 and 32-504(1)(b)).

Amount.—1 percent of annual salary.

Date of payment.—Prior to filing nomination petition, except for write-in candidates, who must pay within ten days after the canvass of votes.

To whom paid.—County treasurer of county of candidate's residence.

Crossfiling by Candidates.

Prohibited. Candidates must be affiliated for ninety days with party named in his nomination papers (§ 32-515).

Candidate's name may appear only on one party ticket. The voters of one party may vote for candidate of another party by writing in his name, but, if he should lose the nomination of his party, he shall not be permitted to accept the write-in nomination. (§ 32-516).

No candidate defeated at the primary may file by petition in the following general election (§ 32-516).

A candidate for nomination for the office of Governor, who is defeated at the primary election, is not eligible to be a candidate by petition for the office of United States Senator at the following election. *State ex rel. O'Sullivan* v. *Swanson,* 127 Neb. 806, 257 N.W. 255 (1934).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 32-1206, 32-1209, 32-1237).

Intimidation of or hindering voter (§§ 32-1223, 32-1224, 32-1232, 32-1237(2)).

Intoxicating liquor, taking or sending to place of registration (§ 32-1234).

Betting on outcome of election (§ 28-952).

False oaths regarding political party affiliation (§ 32-515).

Election coercion of employees by employers (§§ 32-1223, 32-1050).

Acceptance of or offer to accept money or thing of value for becoming or refraining from becoming a candidate for nomination in a primary (§ 32-1237(6), (7)).

Employee is entitled to time off for voting without loss of pay (§ 32-1046).

Bribing voter to sign nomination papers (§ 32-1237(8)).

Unlawfully casting a disabled voter's ballot (§ 32-807.01).

Publishing, producing, or distributing handbill, pamphlet, or advertisement without name and residence of person responsible therefor (§§ 32-1153, 32-1154, 32-1155).

Voting out of resident precinct or country of residence (§§ 32-1202, 32-1207).

Deceiving illiterate elector (§ 32-1210).

Altering or defacing list of voters book or election records (§ 32-1214).

Unlawful possession of list of voters book, tally sheets, or election records (§ 32-1215).

Write-in Provisions. •

Permitted in primary (§ 32-516). However, if write-in candidate wins the nomination by write-in but loses nominations as candidate printed on his party's primary ticket, he may not accept the write-in nomination (§ 32-516).

Permitted in general election, but not for candidates for President and Vice President (§§ 32-428, 32-451).

Permitted on punch card voting systems (§ 32-4, 132).

Vacancy in Office.

If vacancy occurs, it shall be filled forthwith by the Governor, who shall have power to appoint to fill such vacancy some suitable person possessing the qualifications necessary for Senator. If such vacancy occurs within sixty days of a regular general election and the term vacated expires on January 3 following, said appointee shall serve until said January 3; if said term extends beyond January 3 next, said appointee shall serve until January 3 following the second regular general election next succeeding his appointment. If the vacancy occurs more than sixty days before a regular general election, said appointee shall serve until January 3 following said general election and at said regular general election a Senator shall be elected to serve the unexpired term if any (§ 32-1042(4)).

NEVADA

Unless otherwise designated, references are to Nevada Revised Statutes (1981).

Primary Elections, when held.

Second Tuesday in September in general election years (§ 293.080). September 14, 1982.

Nominating Papers, Petitions, Etc.

Party candidate for primary (§§ 293.167, 293.185 304.010; § 293.177).

Declaration of candidacy.—File with Secretary of State not earlier than January 1 of the year in which the election is to be held nor later than 5 p.m. of the third Wednesday in July (§ 293.177). Last day for filing in 1982—July 21, 1982.

Certificate of candidacy.—Ten or more registered voters of his party may file with Secretary of State not later than second Friday in July. July 9, 1982. In such a case, however, candidate must file an *Acceptance of Nomination* with the Secretary of State and at the same time must pay the required filing fee (§ 293.180).

Independent candidate. (§§ 293.200, 293.180(2)).

Certificate of nomination (petition).—Signatures are required of electors in the State, equal in number to at least five percent of entire State vote cast in last general election for Senator. File with Secretary of State not later than last Friday in June and not earlier than second Monday in June (§ 293.200). Last day for filing in 1982—June 25, 1982.

Filing Fees and Assessments.

For party candidates and for independents (§ 293.193; 293.177).

Amount.—$250.

Date of payment.—At time of filing nomination papers by candidate.

To whom paid.—Secretary of State.

Crossfiling by Candidates.

Prohibited.—Candidate required to support party. Person can not be a candidate for a party nomination in a primary election if he has changed the designation of his political party affiliation on an official affidavit of registration in Nevada or in any other State since September 1 prior to the closing filing date for the election (§ 293.176, as amended, Chapter 330, Laws 1979).

Candidate must swear that he has not changed the designation of his political party affiliation since September 1 prior to the closing filing date for the election (§ 293.177, as amended, Chapter 178, Laws 1979). A person may not file as an independent candidate if he is proposing to run as the candidate of a political party whose name includes the word "independent" (§ 293.200).

Offenses.

Bribery of elector (§ 293.584, as amended, Chapter 655, Laws 1979).

Bribery, disqualification from office (Const. Art. 4, § 10).

Intimidation of or hindering voter (§§ 293.585, 293.590).

Betting on outcome of election (§ 293.603).

Impeding or preventing employee from free exercise of franchise (§ 293.585).

Denial by employer of leave of absence to employee for purpose of voting (§ 293.463). Preventing employee from becoming candidate for public office (§ 613.040).

Electioneering on election day within 100 feet of polls (§ 293.592).

Voting more than once (§ 293.596).

Removal of ballots from polling place before the closing of the polls (§ 293.590).

Improper receipt or delivery of ballots (§ 293.590).

Removal or destruction of election supplies (§ 293.593).

Alteration, removal, or destruction of copy of results of votes cast posted outside a polling place to expiration of 48 hours following the closing of the polls (§ 293.594).

Unlawful voting by person whose vote has been rejected (§ 293.597).

Falsification of registration records (§ 293.600).

Posting political signs on public utility poles (Chapter 289, § 1, Laws 1979).

Write-in Provisions.

Not permitted (§ 293.293).

Vacancy in Office.

If a vacancy occurs due to death, resignation or otherwise, the Governor may appoint some qualified person to fill the vacancy, who shall hold office until the next general election and until his successor shall be elected and seated (§ 304.030).

NEW HAMPSHIRE

Unless otherwise designated references are to the New Hampshire election code, Title LXIII, Revised Statutes Annotated (1980 and 1981 session Laws examined).

The State of New Hampshire will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the state does hold its Senatorial elections.

Primary Elections, when held.

Second Tuesday in September of every even-numbered year (§ 653:8).

Nomination Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy.—File with Secretary of State not more than ninety-six nor less than seventy-five days before the primary (§§ 655:14, 655:15, 655:17).

Primary petitions and assent to candidacy.—Signatures on separate petitions are required of 200 voters who are members of the candidate's party (§§ 655.21, 655:22, 655:23). Petitions must be accompanied by written assent to candidacy (§ 655:25). File with Secretary of State (in person if filing on last day) (§§ 655:15, 655:16) not more than ninety-six nor less than seventy-five days before the primary (§ 655:14).

Filing fee.—In lieu of filing primary petitions and an assent to candidacy, a candidate may pay a filing fee of $100 at the time of filing declarations of candidacy (§§ 655:14, 655:19).

Independent candidate

Nomination papers.—Separate signed petitions of 1,000 qualified voters of the State are required (§§ 655:40, 655:42). File with Secretary of State no later than forty days before the general election (§ 655:43).

Write-in candidate.—Acceptance of nomination to be filed with Secretary of State within six days of publication of result of primary (§ 659:90).

Filing Fees and Assessments (required of candidates who file a declaration of candidacy (§ 655:19).

Amount—$100.

Date of payment.—At time of filing declaration of candidacy.

To whom paid.—Secretary of State.

Crossfiling by Candidates

Prohibited.—Candidate required to be affiliated with political party (§ 655:14).

A person nominated by the same party for incompatible offices must notify the Secretary of State within six days of the publication of the result of the primary of which nomination he will accept (§ 659:91).

Offenses (see § 666:1).

Destroying of falsely making nomination papers (§ 655:45).

Wrongful voting (§ 659:34).

Interfering with voters (§ 659:37).

Bribing or intimidating voter (§ 659:40).

Forging ballot (§ 659:38).

Tampering with voting machines (§ 659:42).

Providing liquor to voter (§ 659:39).

Distributing campaign materials at polling place (§ 659:43).

Electioneering by election officer at polling place (§ 659:44).

Unsigned or unidentified political advertising (§§ 664:14, 664:15, 664:16).

Placing political advertising on public or private property without consent of owner (§ 664:17).

Official malfeasance (§§ 666:2, 666:3).

Falsification of endorsements (§ 666:6).

Write-in Provisions.

Permitted in primary (§ 656:23) and in general elections (§ 656:12 and see generally § 659:88).

Vacancy in Office.

If a vacancy occurs, the Governor shall fill the vacancy by appointment until it is filled at the next general election (§ 661:5).

NEW JERSEY

Unless otherwise designated, references are to New Jersey Statutes Annotated (1964) and to the 1981-1981 Supplement thereto.

Primary Elections, when held.

Tuesday after first Monday in June (§§ 19:2-1, 19:23-40). June 8, 1982.

Nominating Papers, Petitions, Etc.

Nominating petition and acceptance of nomination, with oath of allegiance annexed (see generally §§ 19:13-7, 19:13-8)

Party candidate for primary.—Signatures of 1,000 voters of his party are required (§§ 19:23-5, 19:23-7, 19:23-8).

Party candidate for primary.—Signature of 1,000 voters of his party are required (§§ 19:23.5, 19:23-7, 19:23-8).

New and minor party candidate and independent candidates.—(See § 19:13-4, par. 3; § 19:1-1, definition of "Political Party.")

Signatures of 800 qualified voters of the State are required (§§ 19:13-5, 19:13-8).

File at least forty days before primary, along with certificate of consent of candidate (§§ 19:23-14; 19:23-15; 19:13-8; 19:13-9), with Secretary of State (§§ 19:23-6; 19:13-3). April 29, 1982.

Write-in candidate.—Person nominated at primary by write-in votes must file, within seven days after primary, with Secretary of State, certificate of acceptance with oath of allegiance annexed (§§ 19:23-16; 41:1-1). June 15, 1982.

Filing Fees and Assessments.—No statutory provision.

Crossfiling by Candidates.

Prohibited. Candidate required to support party (§ 19:23-7; § 19:23-15). Candidate who chooses to seek nomination in primary election is precluded from subsequent attempt at nomination by direct petition. *Riecker* v. *Hartmann,* 130 N.J. Super. 266, 326 A. 2d 101 (1974).

If nominated by more than one political party or group, candidate must choose one (§§ 19:14-9, 19:13-4, 19:13-8).

Subversive Parties Barred from Ballot.

Advocating otherthrow of Government by force.—Oath of allegiance by candidates (§§ 19:23-7, 19:23-8, 19:23-15, 19:23-16, 41:1-1, 41:1-3). Oath prescribed by § 41:1-3 amended by Laws 1971, Ch. 217, deletes pertinent reference to pledge against advocacy of overthrow of Government by force.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 19:34-20, 19:34-25, 19:34-15).

Intimidation of or hindering voter (§§ 19:34-5, 19:34-20, 19:34-29, 19:34-6, 19:34-28, 19:34-38(d)).

Paying or promising to pay money or promising office or employment or anything of value for voter to vote or not to vote (§§ 19:34-25(a), (c); 19:34-39; 19:34-40).

Entertainment to promote an election (§ 19:34-25).

Bribing officers or members of a political nominating meeting (§§ 19:34-25(e); 19:34-40(c)).

Betting on outcome of election (§ 19:34-24).

Advertising or other printed matter without names and addresses of persons paying for printing and distribution and of persons printing, copying or publishing such materials, or, if in newspaper, without being paid for and without being designated "Paid Advertisement" (§ 19:34-25(j)(3); § 19:34-38.1).

Solicitation of funds from candidate by various organizations (§§ 19:34-43, 19:34-44).

Badges, buttons, or other insignia, furnishing of, to be worn at or near polls on an election day (§ 19:34-19).

Paying rent for social club or providing uniforms for organized club (§ 19:34-25(j)(2)).

Election coercion of employees by employer (§§ 19:34-27, 19:34-30).

Political activity of State employees (§ 11:17-2).

Contributions by insurance corporations (§ 19:34-32).

Contributions by State, county, or municipal committees of political party in aid of any candidate for nomination (§ 19:34-33).

Providing expenses of boarding or maintaining a person in a domicile in certain election precinct to secure his vote (§ 19:34-38(c)).

Paying or offering to pay for withdrawal of a candidate (§ 19:34-38(e)).

Paying loss for attendance at polls (§ 19:34-38(f).

Paying to assist person to evade arrest for commission of crime against effective franchise (§ 19:34-39(f)).

Campaign contribution demands by public officeholders of other public officeholders (§ 19:34-42).

Payment, or promise to pay, naturalization fees or attorney fees incurred therefor (§ 2A:53-3).

Tampering with or willfully injuring records of equipment or interference with conduct of election (§ 19:53A-15).

Impeding the campaign of a candidate while concealing that you are actually acting under instructions of, or on behalf of, another candidate (§ 19:34-65).

Write-in Provisions.

Permitted in primary (§ 19:23-25) and general elections (§§ 19:14-4(4); 19:14-6; 19:15-28; 19:16-3(d)); voting machines (§ 19:48-1); electronic voting systems (§§ 19-53A-3, 19:53A-5)).

Tax Provisions.

None applicable to Federal elections.

Vacancy in Office.

If a vacancy occurs, the Governor shall issue a writ of election to fill the same unless the term of service of the person whose office shall become vacant will expire within six months next after the happening of the vacancy (§ 19:27-4). If the vacancy shall happen within thirty days next preceding the primary prior to the general election, it shall be filled by election at the second succeeding general election unless the Governor shall deem it advisable to call a special election therefor (§ 19:27-6). If the vacancy shall happen within thirty days next preceding a general election, it shall be filled by election at the second succeeding general election, unless the Governor shall deem it advisable to call a special election therefor (§ 19:3-26).

The Governor may make a temporary appointment of a Senator whenever a vacancy shall occur by reason of any cause other than the expiration of the term; and such appointee shall serve as such Senator until a special election or general election shall have been held pursuant to law and the board of state canvassers can deliver to his successor a certificate of election (§ 19:3-26).

NEW MEXICO

Unless otherwise designated, references are to New Mexico Statutes 1978 Annotated and the 1981 Supplement thereto.

Primary Elections, when held.

First Tuesday in June of each even-numbered year (§ 1-8-11). June 1, 1982.

Nominations, Papers, Petitions, Etc.

Party candidate for primary

Each "major political party" (defined by § 1-1-9 as a party, any of whose candidates received fifteen percent of the total number of votes cast at the last preceding general election for governor or President) holds a state convention to designate candidates for nomination to be made at the primary election (§§ 1-8-1, 1-8-21, 1-8-38). To be placed on the primary ballot, a candidate must be certified as one of the nominees of the convention and file a statement of candidacy for convention designation and a nominating petition (§ 1-8-22).

Statement of candidacy for convention designation.—Must be delivered for filing in person by the candidate or by candidate's authorized representative (§ 1-8-26). File with Secretary of State between 9:00 a.m. and 5:00 p.m. on first Tuesday of March of each even-numbered year (§§ 1-8-25, 1-8-26). March 2, 1982.

Nominating petition.—A nominating petition, signed by a number of voters equal to at least one percent of the votes cast for the party's candidate for Governor at the last preceding primary election at which the party's candidate for Governor was nominated in each of at least ten counties in the state and not less than one percent of the vote of his party in the state, must be filed with the statement of candidacy for convention designation (§§ 1-8-24, 1-8-33, 1-8-23).

State conventions.—State conventions of major parties may not be held later than sixty days preceding the primary. April 2, 1980. Every candidate receiving twenty percent or more of the votes of the delegates to the convention shall be certified to the Secretary of State at least fifty-five days prior to the primary (§ 1-8-38). April 7, 1982.

Alternate method of placing name on primary ballot.—Anyone who has been certified by the Secretary of State as a candidate for convention designation but who does not receive at least twenty percent of the delegate vote may have his name printed on the primary election ballot as a candidate if no later than fifty days before the primary he files with the Secretary of State a declaration of candidacy and nominating petitions containing the signatures of voters totaling not less than one percent in each of ten counties with a total of three percent State-wide of the total number of votes cast in the State by that party for governor in the last preceding primary election at which the party's candidate for governor was nominated (§ 1-8-39). April 12, 1982.

Minor parties.

Each "minor political party" (defined by § 1-1-9 as a party, none of whose candidates received fifteen percent or more of the total number of votes cast at the last preceding general election for governor or president) may nominate candidates in the manner prescribed in its party rules (§ 1-8-1). If the party rules require nomination by convention, the chairman and Secretary of the State political convention shall certify to the

Secretary of State the name of the party's nominee on the second Tuesday in July before the general election (§ 1-8-2). July 13, 1982. If the party rules require nomination by a method other than a convention, the State chairman and the governing board of the State party shall certify to the Secretary of State the name of the party's nominee on the second Tuesday in July before the general election (§ 1-8-3). July 13, 1982. The certification to the Secretary of State of the name of a minor party candidate must be accompanied by a petition signed by not less than three percent of the total number of votes cast at the last preceding general election for governor or president (§§ 1-8-2, 1-8-3).

Write-in candidates.

A person desiring to be a write-in candidate on the primary election ballot of the major political party of his registration must file with the Secretary of State a declaration of intent before 5:00 p.m. on the fiftieth day before the primary (§ 1-8-36.1) April 12, 1982.

Independent candidates.

Nominating petition.—Signed by a number of voters equal to at least three percent of the total number of votes cast in each of at least ten counties in the State and not less than five percent of the total number of votes cast in the State for Governor at the last preceding general election at which a Governor was elected (§ 1-8-51). The voter shall not sign a petition for an independent candidate if he has signed a petition for another independent candidate for the same office or he has signed a petition for a candidate for the same office in the primary election (§ 1-8-51).

Nominating petitions for independent candidates shall be circulated no sooner than January 1 preceding the general election or no sooner than eighty days preceding any United States representative special election (§ 1-8-52).

Shall be filed with the Secretary of State during the period commencing at 9:00 a.m. on the second Tuesday of July of each even-numbered year and ending at 5:00 p.m. of the same day, and not later than 5:00 p.m. on the fifty-sixth day preceding any United States representative special election (§ 1-8-52). July 13, 1982.

Declaration of candidacy.—Candidate shall swear that he has declined to designate his party affiliation and has not changed his declination subsequent to the date of issuance of the governor's proclamation for the primary election in the year of the general election at which he seeks to be a candidate (§ 1-8-48).

Shall be filed with the Secretary of State during the period commencing at 9:00 a.m. on the second Tuesday of July of each even-numbered year and ending at 5:00 p.m. on that same day, and not later than 5:00 p.m. on the fifty-sixth day preceding any United States representative election (§ 1-8-52). July 13, 1982.

Filing Fees and Assessments.—No statutory provision.

Crossfiling by Candidates.

Prohibited.—No persons may become a candidate for nomination by a party unless his record of registration shows his affiliation with that party and residence within New Mexico on the date of the Govenor's proclamation for the primary (§§ 1-8-18, 1-8-29).

If a person has been a candidate for the nomination of a party in the primary, he shall not have his name printed on the ballot at the general election under any party name except the party name of the party designated on his declaration of candidacy filed for the primary (§§ 1-8-19, 1-10-8).

No person shall be a candidate in the primary for more than one office except that a person may be a candidate for both the expiring term and the next succeeding term for an office when both terms are to be voted upon at the next succeeding general election (§ 1-8-20).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 1-20-11).

Intimidation of or hindering voter (§ 1-20-14); coercion of employees (§ 1-20-13).

Gift or promise of money, employment, or anything of value to a person to vote or not to vote (§ 1-20-11).

Intoxicating liquor, possession on election day within 200 feet of polling place (§ 1-20-21).

Expenditure of political party money to aid person in primary election (§ 1-19-1).

Refusal by employer to allow employee time off to vote (§ 1-12-42).

Bets and wagers on an election are considered gaming (§ 44-5-10).

Electioneering within 100 feet of polling place (§ 1-20-16).

Tampering with ballot box or voting machine (§§ 1-20-4, 1-20-5, 1-20-6).

Obstructing or disturbing the polling place (§§ 1-20-17, 1-20-20).

Failure to disclose sponsor of campaign advertising (§§ 1-19-16, 1-19-17).

False statement in declaration of candidacy or statement of candidacy for convention designation (§ 1-8-40).

Unlawful possession of absentee ballot (§ 1-20-7).

Permitting prisoners to vote (§ 1-20-18).

Write-in Provisions.

Permitted in primary under certain conditions (§ 1-8-36.1).

Permitted in general elections (§ 1-12-19.1); on voting machines (§ 1-12-19.1).

Vacancy in Office.

If a vacancy occurs, the Governor shall make a temporary appointment to fill the vacancy until such time as an election is held to fill the vacancy for the unexpired term.

The election to fill the vacancy for the unexpired term shall be held at the next general election occurring not less than thirty (30) days subsequent to the happening of such vacancy.

If the vacancy occurs within thirty (30) days next preceding a general election, the person appointed by the Governor to fill the vacancy shall hold office until the next general election occurring more than thirty (30) days subsequent to the happening of the vacancy unless the term of office for such Senator shall sooner expire.

Candidates to fill a vacancy in the office of United States Senator for an unexpired term shall be nominated and elected in the same manner as candidates are nominated and elected for the full term (§ 1-15-14).

NEW YORK

Unless otherwise designated, references are to McKinney's Election Law of New York (1978) and 1980-81 Supplement thereto.

Primary Election, when held.

First Tuesday after second Monday in September (§ 8-100(1); Chapter 731, Laws 1979, § 3). September 14, 1982.

Nomination for United States Senator is made by party State committee or by the enrolled voters of the party (§ 6-104).

Nominating Papers, Petitions, Etc.

Party candidate

Certificate of nomination.—State party committee may designate a candidate for U.S. Senate by majority vote at a meeting held not earlier than the 13th Tuesday and not later than the 12th Tuesday preceding the primary (§ 6-104(6)). June 15 to 22, 1982.

Each committee member casts number of votes in accordance with ratio which number of votes cast for party's candidate and governor in committee member's assembly district in preceding gubernatorial election bears to total party vote cast for governor in the entire State in that election (§ 6-104(4)). Name of the candidate who has received the designation of the state committee and the office for which designated shall be filed with the State Board of Election within four days after such meeting (§ 6-104(7)). June 28, 1982.

Other party candidates, who received twenty-five percent or more of total vote cast by party State committee on any one balloting, shall also be filed by the committee with the State Board of Elections at the same time (§ 6-104(7)). Such persons may be placed on party primary ballot by making written demand to the State Board of Elections not later than 7 days after party state committee meeting (§ 6-104(2)). June 29, 1982.

Petition by enrolled party members may also be used to have candidate's name placed on primary ballot (§ 6-104(5)). Petition must be signed by not less than 20,000 or five percent, whichever is less, of enrolled party voters within the state of whom not less than one hundred or five percent, whichever is less, of such enrolled voters shall reside in each of one-half of the congressional districts of the State (§ 6-136(1)). Petition shall be filed with the State Board of Elections not earlier than the eighth Monday and not later than the seventh Thursday before the primary (§§ 6-144, 6-158(1)). July 26 to 29, 1982.

The failure to file such petition within the prescribed time shall be a fatal defect (§ 1-106).

If more than one candidate is designated for the nomination of a party for the office of U.S. Senator, the party nomination shall be made at the primary election (§ 6-160(1)).

Independent candidate

Nominating petition.—Signatures of at least 20,000 voters required, of whom at least 100 shall reside in each of one half of the congressional districts of the State (§ 6-142). File not earlier than eight weeks and not later than seven weeks preceding the general election (§ 6-158(9)) with the State Board of Elections (§ 6-144). September 7 to 14, 1982.

First nominations by new party may be made in such manner as the party rules provide (§ 6-128(1)). An independent body becomes a party when its candidate for Governor at the last preceding gubernatorial election polled at least 50,000 votes (§ 1-104(3)).

Certificate of acceptance of party nomination.—If nominated by party of which he is not a duly enrolled member, or if nominated by more than one party or independent body, such person shall file a certificate accepting the nomination as a candidate of each such party or independent body other than that of the party with which he is enrolled (§ 6-146(1)). File with the State Board of Elections (§ 144) not later than the third day after the seventh Tuesday preceding the general election (§ 6-158(11)). September 17, 1982.

Filing Fees and Assessments.—No statutory provision.

Crossfiling by Candidates.

Candidate must be enrolled member of party at time State party committee files certificate of nomination or when designating petition for primary is filed by party members (§ 6-120(1) and (2)). However, the State committee of a party, at a meeting, may by a majority vote of those present authorize the nomination of a person who is not so enrolled (§ 6-120(3)). If nominated by party of which he is not a duly enrolled member, a candidate shall file a certificate accepting the nomination as a candidate of such party or independent body other than of the party with which he is enrolled (§ 6-146(1)).

Offenses (see § 17-168).

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 17-132, 17-142, 17-148).

Intimidation of or hindering voter (§§ 17-130(3), 17-148, 17-150).

Gift or promise of money, employment, or anything of value to a person to vote or not to vote (§ 17-142).

Solicitation of funds for or from candidate by various organizations and persons (§§ 17-110(3), 17-112).

Use of Federal and State appropriations to promote an election (§ 17-154).

Bribing officers or members of political nominating meeting (§ 17-102(7)).

Refusal to permit employees to attend election (§ 17-118).

Election coercion or intimidation of employees by employer (§ 17-150(3)).

Corrupt use of position or authority of person holding public office in connection with election (§ 17-158).

Electioneering near polls on election day (§ 17-130(4)).
Tampering with voting machines (§ 17-130(17)).
Failure to deliver official ballots (§ 17-124).
Forgery of official indorsement of ballot (§ 17-120(4)).
Destruction of ballots (§ 17-120(5)).
Misconduct in relation to petitions (§ 17-122).

Write-in Provison.

Permitted in primary (§§ 7-114, 9-112) and in general election (§ 7-104); on voting machines (§ 8-308).

Vacancy in Office.

If a vacancy occurs in any even-numbered calendar year less than sixty days prior to an annual primary election, the Governor shall make a temporary appointment to fill such vacancy until the third day of January in the year following the next even-numbered calendar year. If such vacancy occurs in any even-numbered calendar year sixty days or more prior to an annual primary election, the Governor shall make a temporary appointment to fill such vacancy until the third day of January in the next calendar year. If a vacancy occurs in any odd-numbered calendar year, the Governor shall make a temporary appointment to fill such vacancy until the third day of January in the next odd-numbered calendar year. Such an appointment shall be evidenced by a certificate of the Governor which shall be filed in the Office of the State Board of Elections along with a writ of election (McKinney's Public Officers Law, § 42(4-a)).

This provision, which defers an election to fill a Senate vacancy for 29 months, does not violate the 17th Amendment of the U.S. Constitution, which authorizes states to conduct Senate vacancy elections in accordance with their regular election procedures so long as these procedures further substantial State interests. *Valenti* v. *Rockefeller,* 292 F. Supp. 851 (D.C. N.Y. 1968), *aff'd per curiam,* 393 U.S. 404, 405, 406 (1968).

NORTH CAROLINA

Unless otherwise designated, references are to North Carolina General Statutes 1976 Replacement Volume Supplements thereto 1979 and 1980 (1981 Session Laws examined).

The State of North Carolina will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its Senatorial elections.

Primary Elections, when held.

Tuesday next after the first Monday in May (§ 163-1(b)).

Second Primary (Runoff), when held.

In case no candidate receives a majority, or in case of a tie between two candidates or more, a second primary shall be held 4 weeks after the first primary (§ 163-111(e)).

Nominating Papers, Petitions, Etc.

Party candidate for primary.

Notice of candidacy and pledge not to run as write-in candidate if defeated in the primary.—File with State Board of Elections no earlier than 12:00 noon on the first Monday in

January and no later than 12:00 noon on the first Monday in February preceding the primary (§ 163-106(c)).

Independent candidate

Nominating petition accompanied by *affidavit of candidate* that he seeks independent nomination and is not affiliated with any political party.—Signatures are required of at least two percent of total number of registered voters in the State. File with State Board of Elections on or before 12:00 noon on the last Friday in June (§ 163-122, as amended, Chapter 637, Laws 1981)

Filing Fees and Assessments (§ 163-107).—Required of candidates in primary.

Amount.—One percent of annual salary.

Date of payment.—At time of filing notice of candidacy.

To whom paid.—State Board of Elections.

In the absence of a reasonable alternative means of ballot access, § 163-107 was held unconstitutional in *Brown* v. *North Carolina State Bd. of Elections,* 394 F. Supp. 359 (W.D.N.C. 1975). § 163-107.1 now provides for filing a petition, signed by 10,000 registered voters who are members of the party in whose primary the candidate desires to run, in lieu of payment of any filing fee. The petition must be filed with the State Board of Elections not later than 12:00 noon on Monday preceding the filing deadline before the primary.

Crossfiling by Candidates.

Prohibited, Candidate must be affiliated with party whose nomination he seeks, and must pledge that if defeated in the primary he will not run for any office as a write-in candidate in the next general election (§ 163-106).

No person who has changed his party affiliation or who has changed from unaffiliated status to party affiliation may file as a candidate in the primary of the party to which he has changed unless he has been affiliated with that party for at least three months before the filing date (§ 163-106).

A person registered as unaffiliated shall be ineligible to file as a candidate in a party primary (§ 163-106).

A person whose name appeared on the ballot in a primary election is not eligible to have his name placed on the general election ballot as an unaffiliated candidate for the same office in that year (§ 163-122, as amended, Chapter 637, Laws 1981).

Offenses.

Unlawful solicitation of votes, corruptly influencing voters, bribery (§ 163-275(2), (12)).

Intimidation of or hindering voters (§§ 163-273, 163-274(3)).

Signing the name of another person to an election petition (§ 163-221, as amended).

Gift or promise of money or anything of value to a person in return for his vote (§ 163-275(2)).

Betting on outcome of election (§ 163-274(5)).

Advertising and other printed matter containing charge derogatory to any candidate, without signature of party publishing same and responsible for such charge (§ 163-274(7)).

Publication of false statement in relation to any candidate (§ 163-274(8)).

Election coercion or intimidation of employers by employer (§ 163-274(6)) or by State officers (§ 163-271).

Using funds of insurance companies for political purposes (§ 163-270).

Gift or promise of political appointment in return for political support or influence (§ 163-274(9)).

Loitering or electioneering within 50 feet of polling place (§ 163-147).

Misrepresentation about ballot to blind person (§ 163-274(12)).

Write-in Provisions.

Permitted in general election only (§ 163-151; § 163-170(6)).

Candidate must pledge, with his notice of candidacy, that if he is defeated in the primary, he will not run for any office as a write-in candidate (§ 163-106).

Tax Provisions.

Taxpayer may designate $1 of tax liability to election campaign fund of designated political party (§ 105-159.1).

A reduction of up to $25 is permitted for a political contribution or a newsletter fund contribution (§ 105-147(27)).

Vacancy in Office

If a vacancy occurs, the governor shall make an appointment to fill the vacancy until an election shall be held to fill the office. The Governor shall issue his writ for an election to be held at the time of the first election for members of the General Assembly that is held more than thirty days after the vacancy occurs. The person elected shall hold the office for the remainder of the unexpired term (§ 163-12).

NORTH DAKOTA

Unless otherwise designated, references are to the North Dakota Century Code Annotated, 1971 Replacement Volume, 1977 Supplement, and 1981 Interim Supplement.

Primary Elections, when held.

Second Tuesday in June in general election years (§ 16.1-11-01) June 8, 1982.

Nominating Papers, Petitions, Etc.

Party candidate for primary

Candidate's petition, accompanied by *candidate's affidavit* that he seeks nomination of certain political party.—Signatures of legal voters of his party are required, equal in number to three percent of the total vote cast for candidates of such party for the same position at the last general election, but not more than three hundred signatures. File with Secretary of State, not more than sixty-six nor less than fifty-five days before the primary and before 4:00 p.m. of the 55th day (§§ 16.1-11-06, 16.1-11-10). Last day for filing in 1982—April 14, 1982.

In lieu of petition, a certificate of endorsement from the State chairman of candidate's party may be filed within time limits set forth above, showing endorsement of candidate by pre-primary convention (§§ 16.1-11-06, 16.1-11-09).

Independent candidate

Certificate of nomination.—1000 signatures are required of electors residing in the State (§ 16.1-12-02). File with the Secretary of State (§ 16.1-12-04), not later than 4 p.m. of the 55th day before general election (§ 16.1-12-04). September 14, 1982.

Filing Fees and Assessments—No statutory provisions.

Crossfiling by Candidates.

Prohibited. Must represent the party whose nomination he seeks (§ 16.1-11-10). If nominated by more than one party, candidate must make a selection (§ 16.1-12-06). A defeated primary candidate is ineligible to have his name printed on the general election ballot as candidate for the same office § 16.1-13-06).

The statute providing that a defeated primary candidate shall not be eligible as a candidate for the same office in the ensuing general election in effect imposes a qualification for the holding of the office of representative in Congress in addition to those fixed by the Constitution of the United States and, insofar as such office is concerned, is inapplicable, and without effect. *State ex rel. Sundfor* v. *Thorson,* 72 N.D. 246, 6 N.W. 2d 89 (1942); *State ex rel. Graham* v. *Hall,* 73 N.D. 428, 15 N.W. 2d 736 (1944).

Offenses.

Injuring, intimidating, or interfering with another; bribery; otherwise interfering with the conduct of an election (§§ 12.1-14-02, 12.1-14-03).

Paying voter for loss due to attendance at polls (§ 16.1-10-06.1).

Sponsorship of false information in political advertisement (§ 16.1-10-04).

Political badge, button or insignia, supplying for wearing at or about the polls on election day (§ 16.1-10-03).

Payment to and acceptance of payment by editor or published of newspaper or periodical, for editorially advocating or opposing any candidate (§ 16.1-15-05).

Electioneering on election day (§ 16.1-10-06).

Use of state services or property for political purposes (§ 16.1-10-02).

Betting on the outcome of an election (§ 12.1-28-01, 12.1-28-02).

Write-in Provisions.

Permitted in primary (§ 16.1-11-35); however, no person shall be deemded nominated at any primary election unless the number of votes received by him equals the number of signatures needed on the petition to have a candidate's name printed on the primary ballot (§ 16.1-11-36, § 16.1-13-25).

Permitted in general election (§ 16.1-13-25) on voting machines (§§ 16.1-13-25, 16.1-13-33).

Tax Provisions.

Indirect tax deduction for political contributions (based on Federal law; see § 57-38-01.2.1).

Vacancy in Office.

The Governor, by appointment, may fill a vacancy temporarily, and the person so appointed shall serve only until the vacancy is filled at next statewide election if the vacancy occurs during a calendar year in which a statewide election is scheduled to be held and at least ninety days prior to the general election. If there is not at least a ninety day period between the date of the vacancy and the date of the next statewide election, the vacancy shall be filled at the general election.

The Governor shall issue a writ of election which shall designate a time for holding a special election which shall be held within ninety days of the occurrence of a vacancy if the vacancy occurs during a calendar year in which no statewide election is regularly scheduled or during a calendar year in which such an election is scheduled but less than ninety days prior to the general election. (§ 16.1–13–08)

OHIO

Unless otherwise indicated, references are to the Ohio Revised Code Annotated, Elections title (Page's 1972 Replacement) and to the 1980 Replacement (1981 Session Laws examined).

Primary Elections, when held.

First Tuesday after first Monday in June of each general election year (§ 3513.01). June 8, 1982.

Nominating Papers, Petitions, Etc.

Party candidates for primary

Declaration of candidacy and petition (§§ 3513.05, 3513.07).—Signatures required of at least 1,000 but not more than 3,000 voters of his party. File with Secretary of State, not later than 4 p.m. of the 75th day before primary. March 25, 1982.

Independent candidates

Nominating petition and statement of candidacy.—Must have between 5,000 and 15,000 signatures. File with Secretary of State not later than 4 p.m. of the 75th day before the primary (§§ 3513.261, 3513.257). March 25, 1980.

Filing Fees and Assessments (§§ 3513.261, 3513.10).

By all candidates, including independent and writein candidates.

Amount.—One-half of one percent of annual salary of office but not more than $50.

Date of payment.—At time of filing nominating papers or declaration of intent to be a write-in candidate.

To whom paid.—Secretary of State.

Crossfiling by Candidates

Prohibited. Candidate required to support party (§ 3513.07). Person shall be ineligible for nomination in primary if he voted in the primary of a different party within the last four years (§ 3513.191). § 3513.191 is unconstitutional insofar as it imposes a four year disqualification from running as a primary candidate on one who voted four years earlier as a member of a now defunct party. *Kay* v. *Brown*, 424 F. Supp. 588 (1976). Person who seeks party nomination in primary by declaration of candidacy shall not be permitted to become a candidate at the following general election for any office by nominating petition or by write-in (§ 3513.04).

Subversive Parties Barred from Ballot.

Advocating overthrow of Government by force.— (§ 3517.07). Where the state legislature made extensive revisions in Ohio election laws after a political party brought suit challenging such laws, so that all issues became moot except one (whether the requirement of filing a loyalty oath was constitutional), a federal court will not exercise jurisdiction in view of the abstract and speculative posture of the case. *Socialist Labor Party* v. *Gilligan*, 34 O Misc-18, 292 N.E. 2d 336 (1972).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 3599.25, 3599.38, 3599.01).

Intimidation of or hindering voter (§§ 3599.01, 3599.30).

Gift or promise of money, employment, or anything of value to a person to vote or not to vote (§ 3599.01).

Political communications, written, printed, or delivered over radio or television, without names and addresses of persons or of officers of organization issuing and responsible for same (§ 3599.09).

Purposely making certain false statements about a candidate by means of campaign materials (§ 3599.091).

Placing a person to serve in election campaign organization of a candidate to impede campaign or to report information to person's employer (§ 3599.091).

Paying employee of candidate to improperly discharge duties or to obtain information (§ 3599.091).

Receipt of compensation by owner or employee of newspaper or other publication to influence votes except through matter identified as "paid advertisement" (§ 3599.08).

Bribing or intimidating delegates to conventions (§ 3599.01).

Election coercion of employees by employer (§ 3599.05).

Failure of employer to allow employee time off to vote and interference by employer in exercise of elective franchise by employees (§ 3599.06).

Write-in Provisions.

Permitted in primary (§§ 3513.14, 3513.23) and in general election; but write-in votes shall not be counted for any candidate who has not filed a declaration of intent to be a write-in candidate. File such declaration with Secretary of State before 4 p.m. of the fortieth day preceding the election (§ 3513.041). April 29, 1982, for primary and September 23, 1982, for general election.

Statutes provide for write-ins on voting machines—(§ 3507.05 (B)), and on punch card voting systems—(§ 3506.06(B)).

Candidate defeated in primary may not become a candidate in the ensuing general election by write-in (§ 3513.04).

Vacancy in Office.

If a vacancy occurs, the Governor shall make a temporary appointment of some suitable person having the necessary qualifications for Senator. Such appointee shall hold office until the 15th of December next succeeding the next regular state election which occurs more than 180 days after such vacancy happens. At such next regular state election a special election to fill such vacancy shall be held. However, when the unexpired term ends within one year immediately following the date of such regular state election, the appointment shall be for the unexpired term (§ 3521.02).

OKLAHOMA

Unless otherwise designated, references are to Oklahoma Statutes Annotated Title 26, 1976, and to the 1980-1981 Supplement (1981 Session Laws examined).

The State of Oklahoma will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its Senatorial elections.

Primary Elections, when held.

Fourth Tuesday in August in even-numbered years (§ 1-102).

Second (Runoff) Primary, when held.

If no candidate receives a majority of the votes cast, a second (runoff) primary shall be held on the third Tuesday in September (§ 1-103).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy.—File with Secretary of State Election Board during period beginning the first Monday after July 4 and remaining open until 5:00 p.m. on the next succeeding Wednesday (§§ 5-102, 5-110, 5-111).

Petition supporting candidate's filing.—A declaration of candidacy must be accompanied by a petition supporting a candidate's filing signed by five percent of the registered voters eligible to vote for a candidate in the first election wherein the candidate's name could appear on the ballot, as reflected by the lastest January 15 registration report, or by a cashier's check or certified check in the amount of $1,000 for candidates filing with the Secretary of the State Election Board (§ 5-112).

New party candidates

Only candidates of "recognized political parties," i.e., those appearing on the general election ballot in 1974 or those which are formed according to law, may file for party nomination (§§ 5-104, 1-107). A recognized party may be formed at any time, except between July 1 and November 15 of an even-numbered year, by filing a notice of intent with the Secretary of the State Election Board, and within ninety days thereafter filing petitions signed by registered voters equal to five percent of the total votes cast in the last General Election either for Governor or for electors for President and Vice President. The notice of intent may not be filed between March 1 and November 15 of an even-numbered year (§ 1-108). (The Oklahoma Supreme Court has ruled that it is improper to require independent candidates to be members of recognized political parties in order to gain access to the ballot.

See *McCarthy* v. *Slater,* 553 P. 2d 489 (1976).)

Filing Fees and Assessments (§ 5-112).

May be paid by party candidates for primary in lieu of a petition signed by five percent of voters registered and eligible to vote for such candidate in the first election wherein the candidate's name could appear on the ballot.

Amount.—$1,000.

Date of payment.—When filing declaration.

To whom paid.—Secretary of State Election Board.

If a candidate is unopposed in the primary, becomes a candidate in the runoff primary, or receives more than fifteen percent of the votes cast for the office for which he is a candidate at the first election wherein his name appears on the ballot, the filing fee shall be immediately returned to the candidate (§ 5-113).

Crossfiling by Candidates.

To file as a candidate for nomination of a party, a person must be a registered voter of the party (§ 5-105). May file for no more than one office at any election (§ 5-106). The right given an elector to become a candidate on the ballot of his party excludes, by necessary implication, his right to become a candidate of another party. *Darst* v. *County Election Board of Craig County,* 152 P. 2d 912, 915 (1944).

Subversive Parties and Individuals Barred from Ballot.

No provisions.

Offenses.

Illegal voting (§ 16-102).

False swearing (§ 16-103).

False notarization on absentee ballot (§ 16-104).

Election fraud, bribery, coercion (§§ 16-105, 106, 107, 108, 109).

Electioneering near polling place (§ 16-111).

Taking intoxicating liquors within one-half mile of polling place on election day (§ 16-112).

Interference with voter or conduct of election (§ 16-113).

Failure of election official to perform duty (§ 16-114).

Disclosure of voter as to how he voted, or by election official of how any voter may have voted (§§ 16-115, 116).

Disclosure of count (§ 16-117).

Removing ballot from polling place; carrying ballot into polling place (§ 16-118).

Illegally printing or possessing ballots (§ 16-120).

False application for absentee ballot (§ 16-121).

Anonymous campaign literature (§§ 15-111, 6-122).

Candidates may not adopt name of incumbent or of person of state or national reputation (§§ 5-108, 5-109).

Person may not become a candidate for any office if his name is identical to the incumbent or a publicly announced candidate for such office when it appears the identity or similarity of names is used for the purpose of confusing voters (§ 5-107).

Betting on the outcome of an election (Title 21, § 181).

Illegal acts relating to voting machines (§§ 9-117, 9-118).

Advertising on, and influencing content of, educational television (Title 70, § 23-102).

Write-in Provisions.

Ballot specifications for general elections do not include a specific provision for write-in votes, but there must be a line following the name of a candidate and the name of the next office in order down the column (§ 6-106).

However, the law requires that voting machines, whether used in general or primary elections, must permit a voter to vote for a person whether or not nominated as a candidate by any party or organization (§ 9–104).

Income Tax.

Deduction of up to $100 is permitted, for a contribution to a party or candidate, in any one taxable year (§ 15–109).

Vacancy in Office.

Whenever a vacancy shall occur in the office of a member of the Senate from Oklahoma, such vacancy shall be filled at a special election to be called by the Governor within thirty days after occurrence of the vacancy. No special election shall be called if the vacancy occurs after March 1 of any even-numbered year if the term of the office expires the following year. In this case the candidate elected to the office at the regular General Election shall be appointed by the Governor to fill the unexpired term (§ 12–101). The proclamation must contain certain specified facts (§ 12–103).

OREGON

Unless otherwise designated, references are to the Oregon Revised Statutes, 1979 Replacement Part (1980 and 1981 Session Laws examined).

The State of Oregon will not be holding Senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its Senatorial elections.

Primary Election, when held.

Third Tuesday in May of each even-numbered year (§ 254.056(2)).

Nominating Papers, Petitions, Etc.

Candidate for primary of party which polled at least twenty percent of entire State vote for presidential electors at last general election (§§ 246.006, 248.016).

Candidate's petition for nomination.—Signatures of registered party voters are required, equal in number to two percent of the party vote cast at last general election for presidential electors, or at least one thousand, which ever is less. Included in this number shall be the signatures of voters in each of at least one-tenth of the precincts in each of at least seven counties (§ 249.068). A nominating petition shall be filed not sooner than the 250th day and not later than the 70th day before the date of the primary election (§ 249.037). File with Secretary of State (§ 249.035).

Declaration of candidacy.

In lieu of petition for nomination with required number of signatures, a person can have his name printed as a candidate on his party's primary ballot by filing a declaration of candidacy and paying required filing fee (§ 249.020). *File* with Secretary of State (§ 249.035) not before the 250th day and not later than the 70th day before the primary election (§ 249.037).

Candidates of minor and new political parties, and independent candidates (§ 249.705).

Certificate of nomination.—Certificate shall (1) for minor party, state that the political party nominating this candidate polled at least five percent of the entire State vote for all candidates for Representative in Congress at last general election (§ 249.732(2)), or (2) for new party, be accompanied by a petition signed by registered voters equal in number to such five percent of the State vote for Representative in Congress (§ 249.732(1)), or (3) for organized group, state that not less than 1,000 bona fide voters of the State were present at a public meeting at which this nomination was made (§ 249.735), or (4) for an independent, be signed by voters equal in number to not less than three percent of the State vote last cast for presidential electors (§ 249.740).

File certificate of nomination, accompanied by candidate's *acceptance of nomination*, with Secretary of State, not earlier than fifteen days after the primary and not later than seventy days before the general election (§§ 249.712, 249.720, 249.722). If nomination is made by a convention or assembly, copy of the minutes of the meeting must accompany certificate of nomination (§§ 249.720, 249.735).

Signed copy of petition of new party, and of certification of nomination of independent, must be filed by chief sponsor with Secretary of State before being circulated (§§ 249.732(1), 249.740(3)).

iling Fees and Assessments (required only of candidates who file a declaration of candidacy) (§§ 249.056, 249.020)

Amount.—$150.

Date of payment.—At time of filing declaration of candidacy.

To whom paid.—Secretary of State.

rossfiling by Candidates.

Prohibited. Candidates must declare that, if he is defeated in primary, he will not accept the nomination or endorsement of any party other than the one in which he is registered at time of filing for nomination (§ 249.031(i)).

Candidate must have been member of party whose nomination he seeks for at least 180 days next preceding date on which he filed (§§ 249.031, 249.046). Unsuccessful candidate in primary shall not be candidate of any other political party or become an independent candidate at the ensuing election (§ 249.048).

As to candidates not nominated at primary elections, the acceptance of the nominee shall either accompany the certificate of nomination or it must be filed after the certificate is filed but before the time for filing nominations for the office has expired (§ 249.712). Independent candidates and candidates nominated by an assembly of electors must state in their certificates of nomination that they were not affiliated with any political party for at least one hundred eighty days prior to the filing of their petitions or certificates of nomination (§ 249.720(e)).

ubversive Parties Barred from Ballot.

Advocating overthrow of Government by force.—§ 236.030.

ffenses.

Undue influence to affect registration, voting, candidacy; solicitation of money or other benefits (§ 260.665).

Accepting employment when compensation will be donated to candidate or committee (§ 260.422).

Solicitation of public employees (§ 260.432).

Transfer of convention credentials for value (§ 260.625).

Payments for becoming or refraining from becoming a candidate (§ 260.665).

Payments for putting names on nomination papers or for the performance of political committee duties (§ 260.655).

Payments by or solicitation of certain businesses (§ 260.415).

Betting on election results (§ 260.635).

Obtaining ballot under false name; voting more than once (§ 260.715).

Purchase of advertising or payment for editorial advocacy or oppostion (§ 260.605).

Identification of source of political publications required (§ 260.522).

False publications relating to candidates or measures (§ 260.532).

Misleading statements by candidates regarding prior public service (§ 260.542).

False oaths or affidavits (§ 260.715).

Registering more than once, registering under false name, etc. (§§ 260.610, 247.121, 247.991, 260.715).

Preparation and communication of election results (§ 260.630).

Failure to perform any duty required by election laws (§ 260.085).

Releasing precinct votes before State polls have been closed (§ 260.705).

Tampering with voting machine or vote tally system (§§ 260.695, 260.715).

Write-in Provisions.

Permitted in primary and general elections and on voting machines (§ 254.145).

Income Tax.

There is a tax credit for political contributions (one-half of the total contribution, not to exceed $25 on a separate return, $50 on a joint return) that may be taken in lieu of the Federal deduction (§ 316.102(1)).

Vacancy in Office.

If a vacancy occurs, it shall be filled at the next general election; provided such vacancy occurs more than 20 days prior to such election. Until such time as the vacancy is filled in this manner, the Governor shall make a temporary appointment (Ore. Const. Art. V, § 16; § 236.130). Appointee must be of same political party as that which the elected predecessor in such office was designated on the election ballot (§ 236.100).

PENNSYLVANIA

Unless otherwise designated, references are to title 25 of Purdon's Pennsylvania Statutes Annotated and to the 1981-1982 Supplement (1981 Session Laws examined).

Primary Elections, when held.

Third Tuesday in May in even-numbered years, except in presidential election years, when it shall be held on the 4th Tuesday in April (§ 2753, § 2862). May 18, 1982.

Nominating Papers, Petitions, Etc.

Party candidates for primary

Nomination petitions, including affidavit of candidate (§ 2870). Signatures required of at least one hundred registered and enrolled members of his party in each of at least ten counties of the State (§ 2872(a)). File with Secretary of the Commonwealth (§ 2873(a)), on or before the 10th Tuesday prior to the primary (§ 2873(d)). March 9, 1982.

Candidates of political bodies which do not qualify as political parties (§ 2831(c)).

Nomination papers, including affidavit of candidate (§ 2911(a), (c), (d), (e)). Signatures required, in number to two percent of largest entire vote cast for any elected candidates in the State at large in last preceding election (§ 2911(b)). Secretary of Commonwealth on or before the second Friday subsequent to the primary (§ 2913(c)). May 28, 1982.

Loyalty affidavits (Title 65, § 224).

All candidates must file with nomination petition, nomination paper, or nomination certificate a statement under oath or affirmation that he is not a subversive person.

Write-in candidate nominated at a primary must file affidavit within sixty days after primary.

Write-in candidate elected in general election must file affidavit prior to being sworn in to the office to which he is elected.

Filing Fees and Assessments.

Amount.—Party candidates, $50 (§ 2873(b)(1)); candidates of political bodies, $50 (§ 2914).

Date of payments.—At time of filing nomination petitions (§ 2873(b)) or nomination papers (§ 2914).

To whom paid.—Secretary of Commonwealth (§§ 2873(a), 2913(a)).

Crossfiling by Candidates.

Prohibited. Person may not be candidate of more than one party (§§ 2870, 2964, 2911(e)(5)).

Subversive Parties Barred from Ballot.

Advocating overthrow of Government by force.—(§ 2831(d)).

Offenses.

Unlawful solicitations of votes, corruptly influencing voter, bribery (§§ 3051, 3539, 3551).

Intimidation of or hindering voter (§§ 3527, 3547).

Gift or promise of money, employment, appointment, or anything of value to a person to vote or not to vote (§ 3539).

Election coercion of employees by employer (§ 3547).

False application for absentee ballot, or illegal voting thereof (§ 3553).

Write-in Provisions.

Permitted in primary (§ 2962), and in general election (§ 2963(a)); electronic voting systems (§ 3031.12(3)).

Vacancy in Office.

If a vacancy occurs, it shall be filled for the unexpired term by the vote of the electors of the State at a special election held at the next general or municipal election, occurring at least ninety (90) days after the happening of such vacancy.

Candidates shall be nominated by political parties in accordance with party rules and by means of nomination certificates (§ 2776). Until such time as the vacancy shall be filled by an election, the Governor may make a temporary appointment to fill the vacancy (*ibid*).

RHODE ISLAND

Unless otherwise specified, references are to the General Laws of Rhode Island and to the 1980 Supplement (1981 Session Laws examined).

Primary elections, when held.

Second Tuesday after first Monday in September of 1962 and in each even-numbered year thereafter (§ 17-15-1). September 14, 1982. When any primary falls on a religious holiday such primary shall be held on the next business day following, other than Saturday (§ 17-15-2).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy.—During first 10 days in June preceding primary, not later than 4 p.m. with Secretary of State (§ 17-14-1). (Filing deadline, June 10, 1982).

Nomination papers.—Upon receipt of declaration of candidacy, Secretary of State shall prepare nomination papers for each person who has filed a declaration of candidacy, which he shall deliver to candidate *after* ten days of final day for filing declarations of candidacy (§§ 17-14-4, 17-14-5).

Signatures are required of at least 1000 party voters, including at least twenty-five from each county (§ 17-14-7). Summit nomination papers for verification on the 70th day before primary to local board of elections of city or town where signers vote (§ 17-14-11).

State party committee may endorse a candidate for the United States Senate by filing notification of same with Secretary of State (§ 17-12-4).

Certificate of signatures.—Local board shall certify number of names and qualifications of signers "and shall file all nomination papers for State officers forthwith with Secretary of State" (§ 17-14-11). Nomination papers shall be filed with Secretary of State not later than sixty days before primary (§ 17-14-12).

Independent candidate on final nomination papers

Declaration of candidacy.—During first ten days in June, not later than date of filing, with Secretary of State (§ 17-16-1). (Filing deadline, June 10, 1982).

Nomination papers.—Upon receipt of declaration, Secretary of State shall prepare nomination papers for each candidate who has filed a declaration of candidacy and after ten days of final day for filing declarations shall deliver nomination papers to candidate (§§ 17-16-3, 17-16-4). Signatures of at least one thousand voters, each county of the State being represented by at least twenty-five signers, are required (§ 17-16-8). At least five days before deadline for filing, submit nomination papers to local boards for certification (§ 17-16-11). File, accompanied by consent of candidate appended to each nomination paper, with Secretary of State by the close of regular business hours of the 10th day preceding the day for holding of the primary election (§ 17-16-12).

Filing Fees and Assessments.—No statutory provisions.

Crossfiling by Candidates.

Candidate in party primary must be qualified voter in primary (§ 17-14-2). No person shall be entitled to vote in the primary election of any political party who has voted in a primary election as a member of any other political party and has not changed his party designation as provided in chapter 9 of title 17 or has designated his affiliation with any other political party, as set forth in chapter 9 of title 17. No person shall be debarred from voting in a party primary solely because of his signing of nomination papers of a candidate to be voted for at any primary. But a person having designated his party affiliation as set forth in chapter 9 of title 17 shall be deemed to have taken part in the primary as a member of such political party and shall be debarred from voting in the primary as a member of the opposite political primary until he has changed his party affiliation (§ 17-15-24). No candidate for any public office shall be permitted to have his name appear in more than one place on the ballot for the same office (§ 17-19-50).

Subversive Parties Barred From Ballot.—No statutory provisions.

Offenses.

Violations with specific reference to primary elections (§ 17-15-42).

Bribery or intimidation of voters (§ 17-23-5).

Making or filing nomination papers with the knowledge that they are false (§ 17-23-9).

Advertising of printed matter tending to injure or defeat any candidate for nomination or election, without name or address of voter responsible for same or without names of two officers of organization issuing same, and if inserted in newspaper or periodical, with designation of same as advertisement (§ 17-23-1; 17-23-2).

Election coercion or intimidation of employees by employer (§ 17-23-6).

Use by club, society, or association of designation indicating its affiliation with a political party without written consent of such party (§ 17-23-7).

Violations as to nomination papers (§ 17-23-9).

Use by any person on circular, etc., of chosen emblem of a political party without consent of the party (§ 17-23-90).

Political activity by classified civil service employees during working hours (§ 36-4-52).

Solicitation of political contributions by or from classified civil service employees (§ 36-4-53).

Promise of influence by candidate to obtain appointment or promotion in classified service in return for vote (§ 36-4-54).

Political literature and influence within fifty feet of polling place (§ 17-19-49).

Violations as to voting machines (§§ 17-19-42, 17-19-44, 17-19-46, 17-19-47).

Write-in Provisions.

Permitted in general elections (§ 17-19-31).

Vacancy in Office.

If a vacancy occurs, it shall be filled at the next general election next after the expiration of seventy days from the date of such vacancy. In case of such vacancy, the Governor shall make a temporary appointment of a person, pending the results of such an election (§ 17-4-9).

SOUTH CAROLINA

Unless otherwise designated, references are to the Code of Laws of South Carolina 1976 and to the 1980 Supplement (1981 Session Laws examined).

The State of South Carolina will not be holding senatorial elections in 1982. The following statutory provisions are listed for future references when the State does hold its, senatorial elections.

Primary Elections, when held.

Second Tuesday in June in general election years (§ 7-13-40).

Second and Third Primaries, when held.

If no candidate receives a majority in the first primary, a second shall be held and, if necessary, a third, each two weeks successively thereafter (§ 7-13-40, § 7-13-50).

State Convention.

Candidates for U.S. Senator may also be nominated by convention (§§ 7-11-10, 7-11-30; § 7-9-100).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Notice of candidacy and pledge to support party candidates. File with treasurer of State committee of his political party by 12 o'clock noon on April 30 (§ 7-11-210).

Party candidate nominated by convention (§ 7-11-10).

Use of convention method must be approved by a three-fourths vote of the total membership of such convention (§ 7-11-30).

Independent candidate (§ 7-11-10).

Nominating petition.—Signatures of at least five percent of qualified registered electors in the State, but not more than 10,000 (§ 7-11-70). File with State Election Commission (§ 7-11-70).

In *Toporek* v. *South Carolina State Election Commission,* 362 F. Supp. 613 (D.S.C. 1973), a three-judge district court held that the South Carolina statute which provided that any political party nominating candidates by party convention shall nominate party candidates and make nominations public not later than the time for the closing of polls on the date of the primary election was unconstitutional and invalid insofar as time limitations provided are applicable to candidates nominated other than by the primary method, and that the South Carolina statutes which established filing dates for candidates nominated other than by the party primary method were in violation of equal protection clause and also violated the right of people to peacebly assemble and petition the government for redress of grievances.

The Court found that there was an illegal discrimination apparent in the interplay of the various statutes governing the filing date for candidates. Section 23-266 (now section 7-11-50) authorizes a political party to substitute one candidate for a previously nominated candidate if the nominated candidate withdraws or dies prior to the general election. "The obvious effect of this statute is to allow political parties, certified pursuant to §23-251 (now §7-9-10), to meet the filing requirements up until thirty days prior to the general election, whereas petition candidates must meet the deadline five months . . . prior to the general election. As long as §23-266 is applied so as to permit this practice of certified political parties nominating 'ghost candidates' up to thirty days prior to a general election, petition candidates must be afforded the same opportunities."

All Candidates for General or Primary Election.

Certified for ballot.—Nominees in a petition or nominees in a party primary or party convention to be voted on in general election are to be placed on ballot if names of nominees are certified by party official, in case of a party candidate, or by a person authorized to receive a petition, in case of independent candidate, to officer charged by law with preparing ballot, not later than 12 o'clock noon on September 18th (§7-13-350).

Filing Fees and Assessments (for primary candidates)—(§7-11-410).

Amount.—To be fixed by State committee of political party.

Date of payment.—At time of filing notice of candidacy.

To whom paid.—Treasurer of State committee of political party.

Crossfiling by Candidates.

Prohibited. Candidate must pledge to support all party candidates nominated in primary. If a person defeated as a candidate for nomination in the primary campaign is a candidate against his party's nominee, party officials should institute a court action for injunction (§7-11-210).

Subversive Parties Barred from Ballot

No statutory provisions

Offenses

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§7-25-50, 7-25-60, 7-25-190).

Intimidation of or hindering voter (§§7-25-70, 7-25-80, 7-25-190).

Promise of money, or anything of value to a person to vote for or against certain candidate (§7-25-50).

Betting on outcome of election (§16-19-90).

Sale of intoxicating liquor on election day (§61-13-280).

Tampering with voting machine (§7-13-1920).

Possession of voting machine key by unauthorized person (§7-13-1910).

Distribution of campaign literature within 200 feet of polling place (§7-25-180).

Write-in Provisions.

Permitted in general election (§§17-13-330, 7-13-360); on voting machines (§7-13-1850).

Write-in in general election must be in voter's handwriting (§ 7-13-800).

Vacancy in Office.

If a vacancy occurs, the Governor may fill such vacancy by appointment for the period of time intervening between the date of such appointment and January third following the next succeeding general election. But, if such vacancy occurs less than one hundred days prior to any general election, the appointment shall be for the period of time intervening between the date of such appointment and January third following the second general election next succeeding (§ 7-19-20).

SOUTH DAKOTA

Unless otherwise designated, references are to the South Dakota Compiled Laws Annotated and to the 1980 Supplement (1981 Session Laws examined).

The State of South Dakota will not be holding senatorial elections in 1982. The following statutory provisions are listed for future reference when the State does hold its senatorial elections.

Primary Elections, when held.

First Tuesday in June in even-numbered years (§ 12-2-1).

In case no candidate receives thirty-five percent of the votes of his party for United States Senator, the State convention shall, from the two candidates who received highest number of votes in the primary, select the party nominees (§§ 12-5-20, 12-6-51). Convention date is determined by State central committee (§ 12-5-17).

Nominating Papers, Petitions, Etc.

Party candidate for primary

Nominating petition.—Signatures are required of not less than one percent of the number of voters who cast their votes for that party's candidate for Governor at the last general election. File with Secretary of State between 8 a.m. on January 20th and 5 p.m. on the first Tuesday of April prior to the primary (§§ 12-6-4, 12-6-7).

Independent candidate

Certificate of nomination.—Signatures are required of not less than one percent of total State vote cast for Governor at the last general election (§ 12-7-1). File with Secretary of State between 8 a.m. on May 1st and 5 p.m. on the first Tuesday in August. Certificate of nomination may not be circulated before January 1st of the year of the election. Certificate is to specify any political party with which the candidate is associated, or that he is an independent (§§ 12-7-1, 12-7-1.1).

Filing Fees and Assessments.—No statutory provision.

Crossfiling by Candidates.

No person may be a candidate for nomination to more than one public office (§§ 12-6-3, 12-7-5).

Subversive Parties Barred from Ballot.

No statutory provisions.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery at primary or other election (§§ 12-26-5, 12-26-12, 12-26-15, 12-26-27; § 12-26-17).

Promising to grant or threatening to withhold public relief to influence voting (§ 12-26-14).

Payment for electioneering near polls on election day (§§ 12-18-3, 12-25-8).

Hindering electors from attending public meetings (§ 12-26-11).

Intimidation of or hindering voter (§§ 12-26-10, 12-26-12).

Advertising and other printed matter without name or address of author and printer (§ 12-25-4.1).

Tampering with ballots or ballot box (§ 12-26-23).

Refusal of employer to allow employee time off to vote in general election or deduction of salary for such attendance at polls or at primary (§ 12-26-13).

Election coercion or intimidation of employees by employer (§ 12-26-13).

Betting with voter on election with intent to procure challenge of voter (§ 12-26-19).

Write-in Provisions.

No statutory provisions.

Vacancy in Office.

If a vacancy occurs, it is the duty of the Governor within 10 days of the occurrence to issue a proclamation setting the date of and calling for a special election to fill the vacancy. If either a primary or general election is to be held within six months, an election to fill a vacancy in the office of representative in the United States Congress shall be held in conjunction with that election; otherwise, the election shall be held not less than eighty nor more than ninety days after the vacancy occurs (§ 12-11-1). The governor may fill by temporary appointment, until a special election is held, vacancies in the office of U.S. Senator.

TENNESSEE

Unless otherwise designated, references are to the Tennessee Code Annotated, 1979 Replacement volume (1981 Session Laws examined).

Primary Elections, when held.

First Thursday in August in even-numbered years (§§ 2-13-202, 2-1-104 (22)), August 5, 1982.

Nominating Papers, Petitions, etc.

Signatures of at least 25 qualified electors of the party are required. File original with State Election Commission and certified duplicates with the coordinator of elections and with the chairman of the party's state executive committee, not later than 12:00 noon on the first Thursday in June preceding the primary, (2-5-101, 2-5-103), June 3, 1982.

Independent Candidates.

File petition, as above. No duplicate need be filed with a party executive committee (§§ 2-5-101, 2-5-103).

Filing Fees.

No statutory provisions.

Crossfiling by Candidate.

No person may qualify as a candidate in a primary election with more than one party in which he seeks the same office. It is also unlawful for any person to qualify as an independent candidate and as a primary candidate for the same office in the same year. No person defeated in an August primary election may qualify as an independent for the same office in the November general elections. No candidate in a party primary election may appear on the ballot in a general election as the nominee of a different political party or as an independent (§ 2-5-101(f)).

Subversive Parties Barred from Ballot.

Advocating overthrow of Government by force (§ 2-114).

Offenses.

Breaking up of nominating meeting or election (§ 2-19-101).

Misconduct in performance of official duties or inducing another to misbehave (§§ 2-19-102 to 2-19-106).

Illegal registration or voting (§ 2-19-107).

Voting in primary election of more than one party on the same day (§ 2-19-107).

Unlawful possession of official registration or election supplies (§ 2-19-108).

False entries on official registration or election documents (§ 2-19-109).

Abuse of voter assistance (§ 2-19-110).

Unlawful examination, removal, rejection, or destruction of marked ballots (§ 2-19-111).

Misconduct by election officials (§§ 2-19-112 to 2-19-114).

Violence and intimidation to prevent voting (§ 2-19-115).

Misrepresentations as to campaign literature or sample ballots (§ 2-19-116).

Procuring illegal vote (§ 2-19-117).

Tampering with or mutilating voting machine (§ 2-19-118).

Failure to identify political advertisements (§ 2-19-120).

Candidate bargaining for support (§ 2-19-121).

Demanding candidate to make promise (§ 2-19-122).

Bribing voters or election officials; voter accepting bribe (§§ 2-19-126, 2-19-127).

Betting on elections (§§ 2-19-129 to 2-19-131).

Coercing or directing employees to vote for measure, party, or person (§ 2-19-134).

Exhibiting placards or otherwise threatening that work will cease or be lessened as a result of election (§ 2-19-135).

Certain political activities by state employees; deprivation or threats to deprive person of employment; political activity interfering with state business, etc. (§§ 2-19-202 to 2-19-208).

Display or distribution of campaign materials in polling place, or within 100 feet thereof (§§ 2-7-111, 2-19-119).

Knowingly publishing false campaign literature (§ 2-19-142).

Failure to give employee time off to vote (§ 2-1-106).

Write-in provisions.

Permitted in all elections and on voting machines (§§ 2-5-206, 2-5-207, 2-5-208). In order for any person to receive a party nomination by write-in ballots, he must receive at least five percent of the total number of votes cast in the primary on election day, unless there are candidates for the office involved listed on the official ballot (§ 2-8-113).

Vacancy in office.

If a vacancy occurs in the office of United States Senator, a successor shall be elected at the next regular November election and shall hold office until the term for which his predecessor was elected expires. If the vacancy will deprive the state of its full representation at any time Congress may be in session, the governor shall fill the vacancy by appointment until a successor is elected at the next regular November election and is qualified (§ 2-16-101).

TEXAS

Unless otherwise indicated, references are to the Texas Election Code Annotated (Vernons), Volume 9 and to the 1980-1981 Supplement (1981 Session Laws examined).

Primary Elections, when held.

First Saturday in May in 1960 and every 2 years thereafter (Art. 13.03), May 1, 1982.

Second Primary (runoff), when held.

If no candidate receives a majority at the first primary, a second primary shall be held on the first Saturday in June, at which only the two candidates receiving the highest votes at the first primary shall be voted for. If no candidate received a majority in the first primary and there is a tie between the 2nd and 3rd highest candidates, they shall cast lots to determine who shall appear on the ballots at the 2nd primary (Art. 13.03), June 5, 1982.

Nominating Papers, Petitions, Etc. (Art. 12.01)

Party candidate for primary. Parties which received over 20 percent of the vote for Governor at the last election (Art. 13.02, Supp.)

Request to go on ballot.—Request must be signed and duly acknowledged by person seeking nomination or by 25 qualified voters in the State, in which latter case it must be endorsed by candidate, showing his consent to candidacy. File with State chairman of his party, not later than 6 p.m. on the first Monday in February preceding the primary, Feb. 1, 1982 (Art. 13.12).

Minority party candidate (of parties receiving as much as two percent but less than twenty percent of the vote for Governor at the last election):

Such parties may nominate candidates for State office and for United States Senator at a State convention to be held on the 2nd Saturday in June, or by primary election (Arts. 13.45(1), 13.47).

Minor and new party candidates (of parties receiving less than two percent of votes for Governor).

Such parties shall nominate candidates for State office and United States Senator at a State convention to be held on the second Saturday in June at which voters numbering at least one percent of total vote cast for Governor attend (Arts. 13.45(2), 13.47).

Request to have name placed before convention (Art. 13.47a).—No person shall be nominated by any convention unless he has filed with the chairman of the appropriate executive committee an application requesting that this name be placed before the convention as a candidate for nomination (Art. 13.47a).

Certificate of nomination.—Nomination made at a convention shall be certified to the Secretary of State by chairman of State executive committee of party within twenty days after date of the convention (Art. 13.48), July 2, 1982.

Declination of nomination.—Person nominated by convention may decline nomination but shall be ineligible for nomination by that party to any other office to be voted on at same election except as a candidate for an unexpired term where vacancy occurred subsequent to convention (Art. 13.47a(2)).

Illegal participation in convention.—No person shall be allowed to participate in such convention who has participated in the convention or primary of any other party held on the same day (Art. 13.49).

Independent candidate

Application for nomination.—Signatures of qualified voters who have not voted in a primary election in which a candidate for same office was nominated are required, equal in number to one percent of entire vote cast in State for Governor at last preceding general election. File with Secretary of State within 30 days after second primary election (Art. 13.50).

Oath of signers.—Each signature shall be accompanied by oath of signer that he is qualified to vote at the next election, that he has not participated in any primary which has nominated a candidate for the office specified in the application, and that he desires the person named in the application to be a candidate for said office (Art. 13.51). See *Wheatherby* v. *Fulgham*, 271, S.W. 2d 938 (1954).

Declaration of intent.—Candidate desiring to have his name placed on the ballot as an independent candidate must file with the Secretary of State not later than 6 p.m. on the first Monday in February preceding the primary election an affidavit, duly acknowledged, stating his occupation, county of residence, post office address, age, and the office for which he intends to run (Art. 13.50).

Loyalty (non-Communist) affidavit.

Candidates must file affidavit pledging to support the governments of the United States and the State of Texas and resist any effort to subvert or destory the same. Affidavit must be filed with nomination papers (Art. 6.02(c)). No candidate of the Communist Party may be allowed on the ballot (Art. 6.02(d)).

Filing Fees and Assessments (Art. 13.08).

For primary candidates

Amount—$2,000

Date of payment.—Payment of the required fee must be made at the time the candidate files his application for a place on the ballot.

To whom paid.—Chairman of State executive committee of party.

Alternatively. File petition signed by 5,000 qualified electors of the State. [In *Bullock* v. *Carter,* 405 U.S. 134 (1972), the United States Supreme Court held that the high fees required by Texas law to be paid by candidates in state primaries constitute unconstitutional denial of equal protection.]

Crossfiling by Candidates.

Prohibited. Candidate required to be affiliated with party whose nomination he seeks (Art. 13.12).

Affiliation defined in detail (Art. 13.01a). Name of no candidate shall appear more than once on the general election ballot except for two or more offices permitted by constitution to be held by same person or when a candidate has been nominated for President or Vice President of the United States and also for an office requiring statewide vote for election (Art. 6.01).

Primary ballot contains pledge by voter to support primary nominee (Art. 13.11). No person participating as voter or candidate in first or runoff primary may run as independent for the same office at general election or as nominee of other party for any office (Art. 13.11a).

Subversive Parties Barred from Ballot.

Communist Party.—Arts. 6.02, 6.03.

Advocating overthrow of Government by force.—Arts. 6.02; 6.03.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, investigating illegal voting, procuring an illegal vote bribery (Penal Code, Art. 36.02; Election Code, Arts. 15.24, 15.42, 15.46).

Intimidation of or hindering voter (Penal Code, Art. 36.03; Election Code, Arts. 15.23, 15.26).

Offering or conferring pecuniary benefits on voter for his exercise of discretion (Penal Code, Art 36.02).

Political advertising that does not state thereon that it is political advertising, and without name of person paying for some (Art. 14.09); or certain misleading statements as to offices held by the candidate (Art. 14.10); or demand by publisher of more than usual advertising rates (Art. 14.09); demand for payment in order to publish political advertising editorial (Art. 15.16); or violation of certain political advertising regulations (Art. 15.16a).

Betting on outcome of election (Penal Code, Art. 47.02).

Employer's refusal to grant employee time off for voting (Art. 15.14).

Fraudulently procuring certificate of naturalization for person to enable such person to vote (Art. 15.15).

Write-in Provisions

Not permitted in primary except for party offices of county chairman and precinct chairman (Art. 13.09(b)). Permitted in general election (Art. 6.06); on voting machines (Art. 7.14(16); on punch card voting systems (Art. 7.15(4)).

Defeated primary candidate may be elected by write-in vote at general election. *Cunningham* v. *McDermett,* 277 S.W. 218 (Tex. Civ. App. 1925). Where office is to be filled at general election but office title is not on ballot, write-in candidate may win office if total number of votes cast for all write-in candidates for the office exceeds 50 percent of total number of eligible voters participating in the election who are eligible to vote for the office (Art. 6.06a).

No write-in vote may be counted for a person unless he files a declaration of write-in candidacy not later than 5 p.m. of the last day which is not a Saturday, Sunday, or official State holiday preceding the beginning of the period for absentee voting in the election. (Art. 6.06b).

Vacancy in Office.

If a vacancy occurs when the Congress is in session, the Governor shall forthwith make a temporary appointment until a Senator is elected and qualified.

If a vacancy occurs prior to March 10 in a general election year, the Governor shall, within five days after the vacancy occurs, issue writs of election directing that nominations of candidates be made by the major parties at the regular primary and by other parties in their normal fashion and that the election to fill the unexpired term be held at the general election. Candidates may file for the primaries until April 1 in such a situation.

If a vacancy occurs during a year when no general election is to be held or after March 9 of a general election year, the vacancy shall be filed at a special election or elections, the first of which shall be called by writ of election issued by the Governor within five days after the vacancy occurs, directing that a special election be held on a specified day which shall not be less than 60 nor more than 90 days after the date of the writ. If no candidate receives a majority of the votes cast, the Governor shall, within five days after the results of the election have been officially declared, call a second election to be held on a specified day which shall be not less than 30 days nor more than 40 days after the date of the writs issued by the Governor. The participants in the second special election shall be the two persons who received the largest and next to largest votes at the first special election (Art. 12.02).

UTAH

Unless otherwise designated, references are to Utah Code Annotated, 1976 Replacement Volume 3 and to the 1979 and 1981 Supplements (1981 Session Laws examined).

Primary Elections, when held (§§ 20-3-4, 20-3-37).

Second Tuesday in September (§ 20-3-8). September 14, 1982.

Party Primary Convention.

During the months of June or July of even-numbered years, the State convention of each party shall meet in a State primary convention and elect nominees to run on the party ticket at the primary election (§ 20-4-3). Two nominees receiving the highest number of votes shall be elected to run for each office except that, in the event that one candidate receives seventy percent or more of the votes so cast where only one office is to be filled, he shall become the party's candidate in the general election without the necessity of running in the primary and, where the number of candidates filing declarations of candidacy or acceptance of designation is not greater than the number of candidates to be selected for any office, such candidates shall be declared the party's nominees for such office and shall not be required to run in the primary election (§ 20-4-9).

Nominating Papers, Petitions, Etc.

Party candidate for primary convention

Declaration of candidacy.—File with Secretary of State between March 25 and April 25 before primary convention (§ 20-4-9). April 25 in 1982 is a Sunday, so the last filing date is April 26.

Designation of nomination.—In the alternative 25 registered voters may file with Secretary of State (§ 20-4-9).

Acceptance of nomination, after designation.—Candidate must file with Secretary of State between March 25 and April 25 before primary convention (§ 20-4-9).

Independent candidates (§ 20-3-38).

Certificate of nominations.—Signatures of 300 legal voters are required. File with Secretary of State on or before May 10 (§ 20-3-38).

File acceptance of nomination within 8 days after filing certificate of nomination (§ 20-3-38).

Filing Fees and Assessments.

For party primary convention candidates (§ 20-3-14; § 20-4-9).

Amount.—One-fourth of one percent of total salary for full term.

Date of payment.—When filing nomination paper or acceptance.

To whom paid.—Secretary of State.

Crossfiling by Candidates.

Prohibited.—Candidate must declare that he will support his party throughout his term if elected (§ 20-4-9).

No candidate may file as an independent who has previously filed in the same year a declaration of candidacy with any political party (§ 20-3-38).

Subversive Parties Barred From Ballot

No statutory provisions.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 20-13-1, 20-13-11, 20-13-17).

Intimidation of or hindering voter (§§ 20-13-3, 20-13-6).

Gift or promise of money, public or private employment, or anything of value to a person to vote or not to vote (§§ 20-13-1, 20-13-2, 20-14-33).

Bribing officers or members of a political nominating meeting (§ 20-14-37).

Betting on outcome of election (§ 20-14-30).

Advertising and other printed paid matter in newspaper or periodical without names of officers of organizations or names and address to voter responsible for same; payment to publisher to advocate or oppose candidate editorially (§§ 20-14-24, 20-14-27).

Publication of false statement in relation to any candidate (§ 20-14-28).

Election coercion or intimidation of employee by employer (§ 20-13-6), or influencing employee's vote by employing corporation (§ 20-13-7).

Refusing employees time to vote (§ 20-13-18) or deducting from salary of such time off (§ 20-14-31).

Insertion of political matter in newspaper in advertising, reading, or editorial columns, by publisher without prior filing of statement of ownership of publication (§ 20-14-25).

Printing of political election matter, other than paid advertising in newspaper by owner of paper who is candidate, without prior filing of a declaration of interest in the publication (§ 20-14-26).

Charging by newspaper of excessive rates for accepting paid political advertising (§ 20-14-27).

Payment to person for loss due to attendance at polls or at registration office (§ 20-14-31).

Payment to person to induce him to be or refrain from being a candidate (§ 20-14-34).

Intoxicating liquor, sale on election day (§ 32-1-42).

Tampering with voting machine (§ 20-18-18).

Electioneering on election day within any polling place, or in any public street or room, or in a public manner within 100 feet of any polling place (§ 20-13-17).

False impersonation or double voting (§ 20-14-29).

Solicitation of candidates by eleemosynary institutions (§ 20-14-35).

Write-in Provisions.

Permitted in primary (§ 20-3-20) and in general elections (§ 20-7-20); on voting machines (§ 20-18-10).

As to the primary, the write-in privilege is limited to names already appearing on the printed ballot under another party name; one whose name does not appear on primary ballot cannot win a party nomination by having his name written in at the primary election. *Anderson* v. *Cook,* 130 P. 2d 278 (1942).

Income Tax.

Deduction of not exceeding $25 is permitted for contributions to political parties (§ 59-14-5(5)(e)).

Every individual whose income tax liability for any taxable year is $1 or more may designate that $1 be paid into the election campaign fund (§ 59-14A-99).

Vacancy in Office.

When a vacancy occurs in the office of United States Senator, it shall be filled for the unexpired term at the next general election.

The Governor, however, shall make temporary appointment of a Senator to serve until the vacancy is filled by election as prescribed in this section by appointment of one of three persons nominated by the central political committee of the same political party as the prior office holder (§ 20-1-6).

VERMONT

Unless otherwise designated, references are to Title 17 of the Vermont Statutes Annotated, 1968, and to the 1980 Supplement (1981 Session Laws examined).

Primary Elections, when held.

Second Tuesday of September in even-numbered years (§ 2351). September 14, 1982.

Nominating Papers, Petitions, Etc.

Party candidate for primary

Primary petitions with assent of candidate.—500 signatures of legal voters are required (§§ 2353, 2354, and 2355). File with Secretary of State (§ 2357) not later than 5:00 p.m. on the third Monday of July preceding the primary election (§ 2356) July 19, 1982.

A voter shall not sign more than one primary petition for the same office, unless more than one nomination is to be made, in which case he may sign as many petitions as there are nominations to be made for the same office (§ 2354).

Candidate of minor political party (political party whose candidate for any State office in the most recent general election polled less than five percent of the vote cast for that office) may be nominated and have his name printed on the general election ballot (§§ 2103(23) and 2381).

Certificate of nomination.—These candidates may be nominated by the state committee (§ 2382). When a nomination is made under these provisions, the chairman and the secretary of the committee making the nomination shall file a statement under oath, setting forth the name and residence of the candidate, the office for which the nomination is made, and the committee making the nomination. The candidate shall file a consent to have his name printed on the ballot (§ 2385). Statements shall be filed not more than sixty days before the day of the general election and not later than 5:00 p.m. on the 47th day before the day of the general election (§ 2386). (By Sept. 16, 1982). File with Secretary of State (§ 2387).

Independent candidate

Certificate of nomination.—Signatures of voters qualified to vote in an election for the office, equal in number to at least 1,000 (§ 2402). Certificate of nomination must include certificate of the town clerk where the signers appear to be voters, certifying those signatures which are valid and those which are not (§ 2402). File with Secretary of State not more than 60 nor less than forty-seven days before general election (§§ 2402, 2386). (By Sept. 16, 1982).

Filing Fees and Assessments.—No statutory provision.

Crossfiling by candidates.

Not prohibited. A person nominated for the same office by more than one party at a primary or convention, or as an independent, "at least 36 days before election may elect the party or parties in which he will be a candidate" (§ 2474).

Person can be candidate for nomination to same office by more than one political party at primary election. 1934 *Op. Atty. Gen.* 322; 1928 *Op. Atty. Gen.* 20.

It has been common practice for defeated candidates from major parties to file certificates of nomination after the primary election so that their names can be on the ballot for the general election; however, this was not the intent of the legislature; rather, it was intended to give minor political parties the right to present candidates for a general election and this chapter expresses the procedure for them to follow. 1964—66 *Op. Atty. Gen.* 185.

Subversive Parties Barred from Ballot.

Advocating overthrow of Government by force.—In order to qualify as an elector, a person must first take the "Freeman's Oath" (§ 2121).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 2017).

Intimidation of or hindering voter (§§ 1972, 2017, 2019).

Betting on outcome of election (Title 13, § 2142).

Intoxicating liquor used to influence votes (§ 2018).

Printing or publication of anonymous political literature (§ 2022).

Destroying certificates of nomination (§ 2021).

Casting more than one ballot (§ 1971).

Voting in more than one place (§ 1973).

False answer as to right to vote (§ 2013).

Unqualified person voting (§ 2014).

Fraudulent voting (§ 2015).

Aiding unqualified voter to vote (§ 2016).

Write-in Provisions.

Permitted in primary (§ 2362) and in general elections (§ 2472).

Vacancy in Office.

If a vacancy occurs in the office of United States Senator, the governor shall call a special election to fill the vacancy. His proclamation shall specify a day for the special election and a day for a special primary. The special election shall be held not more than three months from the date that the vacancy occurs, except that, if vacancy occurs within six months of a general election, the special election may be held the same day as the general election (§ 2621). The governor may make an interim appointment to fill a vacancy in the office of United States Senator, pending the filling of the vacancy by special election (§ 2622).

VIRGINIA

Unless otherwise designated, references are to the Code of Virginia, Title 24.1, 1980 Replacement Volume, and the 1981 Supplement (1981 Session Laws examined).

Primary Elections, when held.

Second Tuesday in June next preceding the general election (§ 24.1-174), June 8, 1982.

Vote required to nominate

Any candidate for party nomination to any office who receives a plurality of the votes cast by his party shall be the nominee of his party for such office and his name shall be printed on the official ballots used in the election for which the primary was held (§ 24.1-179).

Each party shall have the power to provide whether a party nomination shall be made by direct primary or by some other method (§ 24.1-171, § 24.1-172). No party which has adopted the plan of making nominations for office by primary shall have the power to nominate by convention any candidate to be voted for at any particular primary (§ 24.1-173).

Nomination Papers, Petitions, Etc.

Party candidate for primary

Declaration of candidacy and petition.—Signatures of qualified voters of the state equal to one-half of one percent of the number of voters registered within the election district as of the first day of January of the year preceding the year in which such petition must be filed are required. Petition must be accompanied by the affidavit of a person qualified to vote in the state to the effect that he has witnessed such signatures (§ 24.1-185). Candidates must file declaration of candidacy, together with petition and affidavit, with the chairman or chairmen of the several committees of their respective parties no more than 75 nor less than 60 days before the primary (§§ 24.1-184, 24.1-185, 24.1-186), by April 8, 1982.

Independent candidate

Notice of candidacy and petition.—Signatures of qualified voters of the state equal to one half of one percent of the number of voters registered within the election district as of the first day of January of the year in which such petition must be filed are required (§ 24.1-168). Petition must be accompanied by a notice of candidacy, attested by two witnesses, and filed with the State Board of Elections not later than the time fixed for the closing of the polls on the second Tuesday in June, June 8, 1982, (§§ 24.1-166, 24.1-168).

Filing Fees and Assessments.

For primary candidates

Amount.—Two percent of one year's minimum salary attached to the office for which he is a candidate in effect in the year in which he files (§ 24.1-198) or file pauper's statement (Op. Atty. Gen. Apr. 17, 1974).

Date of payment.—Before filing declaration of candidacy (§ 24.1-198).

To whom paid.—State Treasurer (§ 24.1-199).

Crossfiling by Candidates.

Prohibited.—Candidate must be a member of the party whose nomination he seeks. Declaration of candidacy contains authorization to election officials not to print candidate's name on general election ballot if candidate is defeated at primary (§ 24.1-184).

Subversive Parties Barred from Ballot.

No statutory provisions.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 24.1-104, 24.1-268, 24.1-271, 24.1-101, 24.1-272).

Intimidation of or hindering voters (§§ 24.1-104, 24.1-268, 24.1-101).

Gift or promise of money or anything of value to a person to vote (§ 24.1-272).

Receipt of compensation by publication for advocating election or defeat of any candidate in primary, unless such article is marked "paid advertisement" (§ 24.1-276).

Soliciting money, etc., to influence or procure votes at any election for or against any candidate (§ 24.1-272).

Bribe to and acceptance of bribe by a candidate to influence his conduct on any matter which may come before him in his official capacity if elected (§§ 18.2-438, 18.2-439).

Distribution of any writing concerning any candidate for office without identity of sponsor (§ 24.1-277).

Tampering with voting machines (§ 24.1-275).

Use of loudspeaker within 300 feet of a polling place on election day (§ 24.1-96.1).

Loitering near polls (§ 24.1-101).

Write-in Provisions.

Prohibited at primaries (§ 24.1-129). Permitted in general election (§ 24.1-129); on voting machines (§ 24.1-217).

Vacancy in Office.

If a vacancy occurs, the Governor shall issue a writ of election to fill such vacancy. Such election shall be held at the next succeeding November election. The Senator, so elected, shall hold such office for the unexpired term of the Senator whom such person is elected to succeed, but the Governor may make a temporary appointment to fill such vacancy until the people fill same by election (§ 24.1-3).

WASHINGTON

Unless otherwise designated, references are to Title 29 of the Washington Revised Code Annotated and to the 1981 Supplement (1981 Session Laws examined).

Primary Elections, when held.

The names of the candidates of the major political parties and those independent candidates and candidates of minor political parties who have been nominated shall appear upon the partisan primary ballot (§ 29.18.020). No name of a candidate for a partisan office shall appear on the general election ballot unless he receives at least one percent of the total votes cast for that office. However, only the name of the candidate who receives a plurality of the votes cast for the candidates of his party for any office may appear on the general ballot (29.18.110).

Third Tuesday in September in general election years, or on the seventh Tuesday immediately preceding such election, whichever occurs first (§ 29.13.070). September 14, 1982.

Conventions, when held.

For new or minor parties, and for independent candidates (§ 29.24.010).

Last Saturday immediately preceding first day for filing of declarations of candidacy by major party candidates (§ 29.24.020).

Nominating papers, petitions, etc.

Party candidate for primary

Declaration of candidacy.—File with Secretary of State not earlier than last Monday of July nor later than the next succeeding Friday (§§ 29.18.030, 29.18.040). July 26, 1982–July 30, 1982.

Candidate nominated by convention

Nominating certificate.—Signatures are required of registered voters present at the convention numbering at least one for each 10,000 voters who voted in the last presidential election in the State, or twenty-five, whichever is the greater (§§ 29.24.030, 29.24.040). The signature on a convention nominating certificate of a person who signed a nominating certificate in any other convention held one the day of the convention is not valid (§ 29.24.050). File with Secretary of State by last day for filing of declarations of candidacy by major party candidates (§ 29.24.040). If a nominating certificate is valid, each candidate whose nomination is evidenced thereby may file with the Secretary of State a declaration of candidacy in the form prescribed for candidates subject to primary election, and each candidate must at the time of filing the declaration pay to the Secretary of State the fee prescribed by law for candidates subject to the primary election (§ 29.24.070).

All candidates

Nonsubversive affidavit.—File with declaration of candidacy (§§ 29.18.030, 9.81.100).

Filing Fees and Assessments.

For both primary and convention candidates (§§ 29.18.030, 29.18.050, 29.24.070). *See also* Write-in Provisions, below.

Amount.—One percent of annual salary.

Date of payment.—When filing declaration of candidacy.

To whom paid.—Secretary of State.

Filing fees were upheld in *Swanson* v. *Kramer,* 82 Wash. 2d 511, 512 P.2d 721 (1973). However, Ops. Atty. Gen. 1974 No. 12 stated that the requirements are no longer enforceable with respect to candidates who are unable to pay the prescribed filing fees. In such a situation the Secretary of State has the authority to adopt a rule or regulation requiring the candidate claiming inability to pay the fee to file a supplemental affidavit attesting to that fact.

Crossfiling by Candidates.

Prohibited.—Must be member of party whose nomination he seeks (§ 29.18.030).

No candidate's name shall appear more than once on general election ballot. If nominated by two or more political parties, candidate must select one (§ 29.30.101).

No candidate who has offered himself as a candidate for nomination of one party at the primary shall have his name printed on the succeeding general election ballot as the candidate of another party (§ 29.30.101).

Subversive Parties Barred From Ballot.

Communist Party.—(§§ 9.81.050, 9.81.083).

Advocating overthrow of Government by force.—Candidate shall sign affidavit that he or she is not a "subversive person" as defined in section 9.81.010(5) (§§ 9.81.010 to 9.81.040, 9.81.090, 9.81.100, 29.18.030).

Unconstitutional vagueness invalidates the provisions of this chapter which, as condition of employment, require every state employee to swear that he is not a "subversive person"—such person being not only one who himself commits specified acts but also one who abets or advises another in aiding third person to commit an act which will assist yet a fourth person in overthrow and alteration of constitutional government—and that he will not knowingly become or remain a member of a subversive organization, such organization being defined as one which engages in or assists in activities intended to alter or overthrow the government by force or violence or which has as its purpose commission of such acts. *Baggett* v. *Bullitt,* 377 U.S. 360 (1964).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 29.85.060, 29.85.070, 29.85.090).

Intimidation of or hindering voter (§§ 29.85.060, 29.85.070).

Gift or promise of money, or anything of value to a person to vote or not to vote (§ 29.85.080).

Transportation of voters to polls to influence vote (§ 29.85.080).

Intoxicating liquor, etc., treating with, to influence vote (§ 29.85.080).

Advertising, however promulgated or disseminated, without identification of at least one sponsor (§ 29.85.270).

Rate charged by newspaper for political advertising shall not exceed general national advertising rate (§ 65.16.095).

False assertion or propagation of false report concerning candidate (§ 29.85.070).

Destroying or defacing election supplies and notices (§ 29.85.110).

Electioneering within 100 feet of polls (§ 29.51.020).

Tampering with voting machine (§ 29.85.260).

Campaign advertising with picture of candidate not taken within last five years (§§ 29.85.270, 29.85.280).

Illegally signing nominating certificate (§ 29.85.1050).

Write-in Provisions.

Write-in votes are permitted, but are invalid if they are for a person who has offered himself as a candidate for the nomination for the same position. Only those write-in votes constituting the greatest number of single political party designation shall be valid for counting purposes when the canvassing authority certifies the official election returns (§ 29.51.170).

Permitted in primary and in general election (§ 29.51.170); on voting machines, so long as political party affiliation is also written by the voter after the candidate's name in an election for a partisan office (§ 29.51.170).

A candidate who was nominated at a primary election by write-in votes shall pay the same filing fee as primary and convention candidates, within five days after official canvass of the primary vote (§ 29.51.170).

Vacancy in Office.

When a vacancy happens in the representation of the state in the Senate of the United States, the Governor shall make a temporary appointment until the people fill the vacancy by election at the next ensuing general state election (§ 29.68.070).

West Virginia

Unless otherwise designated, references are to the West Virginia Code Annotated (1979 Replacement Volume) and the 1981 Supplement thereto. (1981 Session Laws examined).

Primary Elections, when held.

First Tuesday in June in the year (§ 3-5-1), June 1, 1982.

Nominating Papers, Petitions, etc.

Certificate of announcement of candidacy.—File with Secretary of State not earlier than the last Monday in February and not later than the last Saturday in March preceding the primary election (§ 3-5-7) (By March 27, 1982).

Candidates of minor parties (which polled less than ten percent of total vote cast for Governor at last general election).—Nomination may be by convention or by certificate in the same manner as independents (§ 3-5-22). If by convention, file certificate of nomination with Secretary of State not later than one day preceding the primary (§ 3-5-24) (By May 31, 1982).

Independent candidates.—Groups of citizens having no party organization may nominate candidates by petition. Candidate shall file with Secretary of State declaration containing name of political party which he proposes to represent, its platform, and principles, not later than thirty-one days before primary. Certificate of nomination, bearing signatures of registered voters in number equal to not less than one percent of entire vote cast for United States Senator at last general election, must be filed with Secretary of State not later than one day before primary (§ 3-5-23). (By May 31, 1982).

Filing Fees and Assessments.

Amount.—One percent of annual salary (§ 3-5-8).

Date of payment.—At time of filing certificate of announcement of candidacy (§ 3-5-8) or of declaration by independent candidates (§ 3-5-23).

To whom paid.—Secretary of State (§§ 3-5-8, 3-5-23).

The West Virginia Supreme Court of Appeals held that the failure to provide a reasonable alternative to filing fees for impecunious candidates to obtain access to the ballot renders the filing fee requirement unconstitutional as to such candidates, *West Virginia Libertarian Party* v. *Manchin,* 270 S.E. 2d 634 (1980).

Crossfiling by Candidates.

Prohibited.—Must be affiliated with political party whom he wishes to represent and it must be openly known that such person is a bona fide member of such party (§ 3-5-7).

Candidate is not to run for more than one office, except that candidate for office may also be candidate for President or

Vice President of United States, or for certain political party offices (§ 3-1-47).

Subversive Parties Barred From Ballot.

No statutory provisions.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 3-9-12, 3-9-20).

Intimidation of or hindering voter (§§ 3-8-11(c), 3-9-10).

Gift or promise of money, employment, or anything of value to a person to vote or not to vote (§§ 3-9-12, 3-9-13, 3-8-12(e)).

Betting on outcome of election (§ 3-9-22).

Advertising and other printed matter without name of sponsor, or in a newspaper, editorially, or, paid for, without designating same as a paid advertisement (§§ 3-8-12 (a), (b)).

Solicitation of funds from candidates by various organizations and persons (§§ 3-8-11 (a), (b).

Election, coercion, or intimidation of employees by employer (§§ 3-8-11(d), 3-9-15, 3-9-20).

Solicitation from or intimidation and coercion of public employee respecting campaign contribution or political activity (§§ 3-8-12(c), (g)).

Fraudulent nomination certificates (§ 3-5-23(b)).

Bribery and unlawful influence by voters (§ 3-9-16).

Electioneering within 60 feet of polling places (§ 3-9-9).

Tampering with voting machines (§ 3-4-31), electronic voting systems (§ 3-4A-33).

Unauthorized presence in election room (§ 3-9-6); persons prohibited about voting booth (§ 3-4A-23), voting machine (§ 3-4-22).

Various offenses involved with wrongful request for assistance in voting (§ 3-1-34).

Disorder at polls (§ 3-1-38).

Illegal voting (§§ 3-1-39, 3-9-17).

Unlawful registration or rejection of voter (§ 3-2-35).

Neglect of duty by registration officers (§ 3-2-36).

Alteration or destruction of registration records (§§ 3-2-37), 3-2-40).

Withholding information in connection with registration (§ 3-2-38).

Interference with voter registration (§ 3-2-39).

False or fraudulent election returns; tampering with, destroying or misdelivering ballots, records, etc.; election forgeries (§ 3-9-1).

Unlawful printing, possession or delivery of ballots (§ 3-9-2).

False swearing (§ 3-9-3).

Election commissioner's failure to procure or return supplies (§ 3-9-4).

Destruction or removal of election supplies and equipment (§ 3-9-5).

Wrongful refusal or allowance of votes; malicious or frivolous penalties (§ 3-9-7).

Distinguishing marks on ballots (§ 3-9-8).

Various other unlawful acts at polling places (§ 3-9-9).

Disorder at polls; failure to prevent the same (§ 3-9-10).

Failure to make election returns (§ 3-9-11).
Various unlawful acts by corporations (§ 3-9-14).
Unlawful voting in primary elections (§ 3-9-18).
Violations concerning absent voters' ballots (§ 3-9-19).
Failure to destroy unused ballots (§ 3-9-21).

Write-in Provisions.

Permitted in general election (§ 3-6-5(b)(3)); on voting machines (§ 3-4-8) (3)); on electronic voting system (§ 3-4A-9). Not permitted in primaries; see *State* v. *Ballot Counters,* 96 S.E. 1050 (W. Va. 1918); (§ 3-6-5).

Vacancy in Office.

If a vacancy occurs, it shall be filled by temporary appointment by the Governor. If the unexpired term is for a period of less than 2 years and 6 months, the appointment shall be for the unexpired term. If the unexpired term is for any longer period, the appointment shall be until the next general election and until the election and qualification of a successor to the person appointed, at which election the vacancy shall be filled by election for the unexpired term (§ 3-10-3).

WISCONSIN

Unless otherwise designated references are to the Wisconsin Statutes Annotated 1967 main volume and 1981-1982 Cumulative Annual Pocket Part thereto. (1981 Session Laws examined).

Primary Elections, when held.

Second Tuesday in September in even-numbered years (§§ 5.02(5), 5.02(18)). September 14, 1982.

Nominating Papers, Petitions, Etc.

Party candidate for primary

Nomination papers.—Nomination papers shall be circulated not sooner than June 1 preceding election (§ 8.15(1)). Signatures of party members are required equal in number to not less than 2000 nor more than 4000 electors (§§ 8.15(1), (6)(a)). File with the elections board not later than 5 p.m. on second Tuesday in July preceding primary (§§ 8.15(1), 8.15(8)(a)). Last day in 1982—July 13, 1982.

Declaration of candidate.—Declaration must accompany nominating papers, that if nominated and elected, candidate will qualify for office for which he seeks nomination (§ 8.15(4)(b)).

Independent candidate

Nomination papers.—Nomination papers shall be circulated no sooner than June 1 preceding the election (§ 8.20(8)(a)). Signatures are required of not less than 3,000 nor more than 5,000 electors of the State; file with elections board not later than 5 p.m. on second Tuesday in July (§§ 8.20(2)(a), (4)(a), (7), (8)(a)). Last day in 1982 is July 13, 1982.

Declaration of candidate.—Declaration must accompany nomination papers, that if elected, candidate will qualify for such office (§ 8.20(6)).

Write-in candidate

Declaration by candidate.—Person nominated by write-in votes in a primary must file a declaration of acceptance with elections board within two days after receiving official notice of nomination (§ 8.16(2)).

A person who receives only write-in votes may not appear on the ballot as the candidate of a recognized political party unless he receives at least five percent of the votes cast for the party's gubernatorial candidate at the last general election or the number of votes equivalent to the minimum number of signatures required on nomination papers for that office whichever is greater. (§ 8.16(2)).

Filing Fees and Assessments.—No statutory provision.

Crossfiling by Candidates.

Prohibited.—No filing officer shall accept nomination papers for any candidate to run in more than one party primary at the same time. An independent candidate at a partisan primary or other election may not file nomination papers as the candidate of a recognized political party for the same office at the same election, or vice versa. A person who files nomination papers as the candidate of a recognized political party may not file nomination papers as an independent candidate for the same office at the same election. (§ 8.15(7)).

If nominated to the same office by more than one party, or nominated for more than one partisan or state nonpartisan office, candidate's name shall appear under the first party nominating him or under the office to which he was first nominated. If the double nomination is simultaneous, candidate shall file statement declaring his party or office preference (§ 8.03(1)). However, this provision does not apply when a candidate for President or Vice President of the United States is nominated for another elective office during the same election. If the candidate is elected President or Vice President, such election shall void his election to any other office. A special election shall be held to fill any office vacated under this subsection (§ 8.03(2)).

A person who has been defeated at a primary, except a special primary, may nevertheless become an independent candidate for the same office (3 *Op. Atty. Gen.* 363).

Subversive Parties Barred from Ballot.

Communist Party.—(§ 12.45).

Advocating overthrow of Government by force.—(§ 12.45).

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§ 12.11).

Intimidation of or hindering voter (§ 12.09).

Gift or promise of money or anything of value to a person to vote or not to vote (§ 12.11).

Bribing members of a political nominating committee (§ 12.11).

Betting on outcome of election, as disqualifying person from voting at such election (§ 6.03(2)).

Identification of political contributions, disbursements and communications (§ 11.30(2)).

Solicitation of funds from candidate by various organizations and persons (§ 11.34).

Election coercion or intimidation of employees by employer, or preventing employees from acting as election officers or from voting (§ 12.07).

Tampering with voting machine, voting device, automatic tabulating equipment, or ballot box (§ 12.13).

Electioneering near polls, on election day (§ 12.03).

Failure to give employees time off for voting (§ 12.07).

Use of (state) public funds for mass mailings after filing nomination papers (§ 11.33).

Political use of State-owned vehicles and aircraft (§ 11.37).

Election fraud by elector, voting without necessary qualifications, falsely procuring registration, impersonating a registered elector, voting more than once at same election (§ 12.13(1)).

Election fraud by election officials, various offenses (§ 12.13(2)).

Falsely making, or defacing, nomination papers (§ 12.13(3)).

Destroying supplies in polling booths (§ 12.13(3)).

Defacing, destroying, or removing legally placed campaign advertising (§ 12.13(3)).

Falsely obtaining absentee ballot (§ 12.13(3)).

Soliciting a person to show how his ballot is marked (§ 12.13(3)).

Presenting false identification for the purpose of voting (§ 12.13(3)).

Publication of a false statement in relation to any candidate (§ 12.05).

Promise of contributions to religious, charitable, or fraternal organization by candidate, or solicitation of such promise (§ 11.34).

Printing of campaign matter other than paid advertisement in newspaper owned in any part by candidate or committee, without prior filing of declaration of interest (§§ 11.30 (3), (4)).

Compensation of media to influence election statements; excessive rates for advertising (§ 11.32).

Political solicitation involving public officials and State employees (§ 11.36).

Offer of any office or employment to influence voter (§ 12.11).

Offer of special privileges by public utilities to candidates (§ 11.40).

Write-in Provisions.

Permitted in primary (§§ 7.50(2)(g), 8.16(2)) and in general elections (§§ 5.64(1)(a), 7.50(2)(a)); on voting machines (§§ 7.50(2)(h), 5.37(1)).

In order for a write-in candidate in primary to secure the nomination of a recognized party, he must receive write-in votes equivalent to five percent of the party vote cast for Governor at the last general election or the number of votes equivalent to the minimum number of signatures required on nomination papers for that office whichever is greater (§ 8.16(2)).

Independent candidates may not be nominated by write-in votes but shall file nomination paper (§ 8.16(2)).

Vacancy in Office.

If a vacancy occurs it shall be filled by temporary appointment by the Governor, which appointment shall continue until a successor is elected for the unexpired term. If the vacancy occurs 60 days or more prior to the second Tuesday in July in even-numbered years, such vacancy shall be filled at the September primary and general election in such even year. If the vacancy occurs less than 60 days prior to the second Tuesday in July in even-numbered years, it shall be filled 2 years hence (§ 17.18(2)). The provisions for election for the unexpired term do not apply if the next general election is one at which the vacant Senate seat is to be filled for a full term.

Following any regular election to the U.S. Senate in which the incumbent Senator is not reelected, the Governor shall, if the incumbent Senator resigns after the election and prior to the expiration of his or her term, immediately appoint the Senator-elect for the balance of the unexpired term (§ 17.18(2)).

WYOMING

Unless otherwise designated, references are to the Wyoming Statutes Annotated, 1977 Republished Edition (Dec. 1977), and the May 1979 Cumulative Supplement. (1981 Session Laws examined.)

Primary Election, when held.

First Tuesday after 2nd Monday in September in general election years (§ 22-5-201). September 14, 1982.

Nominating Papers, Petitions, etc.

Party candidate for primary

Application for nomination.—File with Secretary of State not more than 74 and not less than 59 days before primary (§§ 22-5-206(a), 22-5-209). (By July 16, 1982.)

Independent candidate

Nomination by petition.—Signatures required from registered electors equal to five percent of total number of votes cast for Representative in Congress in last general election in state (§ 22-5-304). File with Secretary of State not more than 90 nor less than 45 days before general election (§§ 22-5-306, 22-5-206(a), 22-5-307).

Ineligible candidate.—A candidate defeated in the primary election is disqualified from being a candidate by petition (§ 22-5-302).

Write-in candidate in primary.

Acceptance of nomination.—Write-in candidate must accept nomination by telephone, telegram or letter within 5 days after notification by canvassing board of nomination (§ 22-5-219).

Filing Fees and Assessments.

Primary candidates (§ 22-5-208).

Amount.—$100.

Date of payment.—When filing application for nomination.

To whom paid.—Secretary of State.

Independent candidates (§ 22-5-306).

Amount.—$100.

Date of payment.—When filing nomination petition.

To whom paid.—Secretary of State.

Write-in candidates (§ 22-5-219).

Amount.—$100.

Date of payment.—Within 5 days after notification of nomination by canvassing board.

To whom paid.—Secretary of State.

Crossfiling by Candidates.

Prohibited.—Must be a member of party whose nomination he seeks (§ 22-5-204).

A candidate defeated in a primary election is disqualified from being a candidate by petition (§ 22-5-302).

The name of a candidate shall be printed on the ballot but once (§ 22-6-112).

Subversive Parties Barred from Ballot.

Communist Party.—(§ 22-6-114).

Advocating overthrow of Government by force.—§ 22-6-114.

Offenses.

Unlawful solicitation of votes, corruptly influencing voter, bribery (§§ 22-26-109, 22-26-110).

Intimidation of or hindering voter, election official, or challenger (§ 22-26-111).

Gift or promise of money or thing of value to person to vote or not to vote (§§ 22-26-109, 22-26-110).

Intoxicating liquor, furnishing on election day, etc. (§ 22-26-115).

Unidentified advertising (§§ 22-25-110 *et seq.*).

Election coercion by employer (§§ 22-26-116, 22-26-117).

Tampering with voting machine, ballot box (§§ 22-26-104, 22-26-105).

Electioneering near polls (§ 22-26-113).

Payment for withdrawal of candidate (§ 22-26-118).

Employees entitled to time off to vote (non-criminal provision) (§ 22-2-111).

Various registration offenses (§ 22-26-102).

Unlawful opening of ballot box (§ 22-26-103).

Various offenses in connection with voting ("false voting") (§ 22-26-106).

Falsifying election documents (§ 22-26-107).

False swearing (§ 22-26-108).

Disturbing polling place (§ 22-26-114).

Various violations by election officials (§ 22-26-119).

Write-in Provisions.

Permitted in primary (§ 22-6-119); in general election (§ 22-6-120); on voting machines (§ 22-10-101); on electronic voting systems (§ 22-11-103).

Vacancy in Office.

Any vacancy in any other elective office in the state, except representative in congress or the board of trustees of a school or community college district, shall be filled by the governing body by appointment of a temporary successor to serve until a successor for the remainder of the unexpired term is elected at the next general election and takes office on the first Monday of the following January, unless a vacancy in a four (4) year term of office occurs less than forty (40) days before a primary election, in which event the temporary successor appointed shall serve until the first Monday in January following the second general election thereafter. The governor shall make a temporary appointment to fill a vacancy in the office of United State Senator (§ 22-18-111(a)).

PART IV

CAMPAIGN ACTIVITIES BY SENATE EMPLOYEES

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Employees of Members and committees of the Senate are not specifically barred by Federal statute or Senate Rule from voluntarily engaging in general campaign activities on behalf of any candidate to Federal office, including their employing Member of the Senate. The so-called "Hatch Act", which restricts partisan campaign activities by Federal employees in the executive branch of Government (see 5 U.S.C. § 7324), is not applicable to congressional employees.

In the area of campaign funds and finances, however, certain restrictions are in existence for Senate employees. Employees of the Senate are prohibited by Senate Rule from soliciting, receiving, or handling campaign funds for any Federal election unless they are one of two assistants to a Senator specifically designated by the Senator to perform such activity on behalf of that Senator (Senate Rule XLI). Senate employees, like other Federal employees, are prohibited by Federal law from soliciting political contributions from any other employee of the United States (18 U.S.C. § 602); are prohibited from making political contributions to their "boss", that is, the Senator who is their "employer or employing authority" (18 U.S.C. § 603); and are prohibited from soliciting or receiving political contributions in a Federal building (18 U.S.C. § 607(a)), although contributions which have not been solicited in a way directing the contributions to a Federal building may be accepted in a congressional office without a violation of the provision if transmitted within seven days to appropriate campaign committee personnel (18 U.S.C. § 607(b)).

Although not barred from general campaign activities by Federal law or rule, there are various ethical standards, provisions and guidelines which indicate in general terms the principle that since congressional employees are paid from funds appropriated from the United States Treasury, that they are considered to be compensated for services rendered for public purposes, that is, for the performance of official congressional duties which are commensurate with the compensation they receive from public funds.[1] The Senate

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[1] The Code of Ethics for Government Service, 72 Stat. Part II, B 12, states at paragraph 3 that any person in Government service should "Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought"; a Senate "Office Guide", 1st edition, prepared by the Sergeant at Arms and the Secretary of the Senate notes that "Staff employees may all be employed for administrative functions, clerical purposes, legislative assistance, constituent services, or any combination the Senator determines is necessary for his/her personal office staff", p. 1; see specifically Senate Report No. 95-500, 95th Congress, 1st Session, from the Senate Rules and Administration Committee, p. 4, and Senate Report No. 95-241, 95th Congress, 1st Session, p. 1. Senate Rules and Administration Committee, finding that staffers

Select Committee on Ethics has ruled on the propriety of staff employees engaging in political campaign activities under these standards and has found that there is no bar for staff employees to engage in campaign activities on behalf of a Member during the staffer's "own time", "outside of working hours", "while on recorded vacation leave", and to a limited extent, on free time "during Senate hours, provided that the time involved is *de minimus* and such activity does not interfere with the employee's official Senate duties."[2]

In addition to congressional ethics rulings and potential congressional discipline, Members and employees should be aware of legal standards concerning the use of public funds. As a general appropriations principle, public monies may only be used for the purposes for which the funds were appropriated (31 U.S.C. § 628). Certain abuses concerning the misuse of public funds, misrepresentations as to the duties performed by those on the public payroll, or the claiming of appropriations from the Government for one purpose when in fact they are being used for another, might in some circumstances arguably entail false statements, false claims, or fraud against the Government. (See 18 U.S.C. § 1001, 31 U.S.C. § 231, 18 U.S.C. § 1341; note United States Court of Appeals decision finding a fraudulent scheme in the use of a staff appropriation in the House of Representatives "for purposes other than those intended by the appropriation and duly certified by the congressman".)[3]

It should be noted in regard to these legal standards, however, that *civil* suits initiated by private citizens under the provisions of the False Claims Act (31 U.S.C. § 231 *et seq.*) against Members of Congress for alleged misuse of appropriations have generally proven unsuccessful.[4] Thus, a recent decision by a three-judge panel of the United States Court of Appeals for the District of Columbia, *United States ex rel. Joseph* v. *Cannon,* 642 F.2d 1373 (D.C. Cir. 1981), petition for cert. filed June 1, 1981, Supreme Court Docket No. 80-2036, dismissed as non-justiciable a civil suit against a Member of the Senate initiated by a private citizen under the False Claims Act for the Member's payment of a Senate staffer out of official appropriations allegedly for the staffer's campaign work. The Court found that the lack of specificity in the Senate ethical standards concerning the official duties of, and campaigning by a Senate staffer during the period in question, that is, the 1976 congressional campaigns, failed to provide a discernible or manageable "legal standard" to sustain a cause of action under this particular statute, the False Claims Act.

Although civil liability under the False Claims Act might be avoided, it is important to emphasize that criminal liability might attach if a scheme to compensate individuals from public monies

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may participate in Member's re-election campaign "as long as they do not neglect their Senate duties."

[2] See Senate Select Committee on Ethics Interpretative Rulings Nos. 88, 5, 3, 263 respectively; see also Nos. 59, 154 and 194, 288, 302, 326, 349.

[3] *United States* v. *Diggs,* 613 F.2d 988, 997 (D.C. Cir. 1979), *rehearing den.* Jan. 30, 1970, *cert. den.* 446 U.S. 982 (1980).

[4] *United States ex rel. Thompson* v. *Hays,* Civil Action Nos. 767-1068, 1132 and 1140; *United States ex rel. Martin-Trigona* v. *Daley,* Civil Action No. 76-1164 (D.D.C.); *United States ex rel. Joseph* v. *Cannon,* 642 F.2d 1373 (D.C. Cir. 1981); but see *United States ex rel. Hollander* v. *Clay,* 420 Supp. 853 (D.D.C.), Civil Action No. 76-493, concerning appropriations for transportation.

merely for their campaign services is considered to constitute a fraud against the Government (see *United States* v. *Clark*, Criminal No. 78-207 (D.C.W. Pa. 1978), guilty plea entered February 13, 1979). Furthermore, it should be emphasized that the ethical standards in the Senate and the rulings promulgated by the Senate Select Committee on Ethics concerning campaigning by staff are not overruled or supplanted in any way by Federal court decisions regarding a Member's civil liability for staff salary under the False Claims Act. Under the Constitution, each House of Congress has express authority over the discipline and conduct of its own Members (Article I, Section 5), and thus disciplinary action may be taken by the full Senate for violations of ethical standards and rulings regardless of legal liability of the individuals involved.

A. Campaign Activities and Official Duties

1. Senate standards and findings

The use of staff on political campaigns was reviewed in the 95th Congress by various committees in the Senate. In recommending rule changes in the Senate, the Special Committee on Official Conduct of the 95th Congress had proposed a Rule which would have specifically required Senate employees who engaged "substantially" in campaign work to be removed from the Senate payroll. The proposal was dropped from the final measure, however, and as a compromise the measure directed the Senate Rules and Administration Committee to study this issue and to report proposals to prohibit the "misuse of official staff by holders of public office" (See 123 *Cong. Rec.* S. 4334, 3/13/77). The Special Committee had been desirous of some specific rule to express the existing general standard with regard to Senate employees since it felt that "the public is entitled to know that those employees in the Senate, receiving government salaries, are doing the public's business and not working directly for the reelection of their employer." (Senate Report No. 95-49, 95th Congress, 1st Session, p. 14.)

In its report on the rules, standards, and laws governing the use of Senate staff for political campaigns, as directed by S. Res. 110, 95th Congress, the Senate Rules and Administration Committee found that the standard and practice in the Senate was that staffers may engage in political campaign activities on behalf of their employer as long as they fulfill the official congressional duties required of them. That report states in part as follows:

> . . . [T]he general rule . . . which has been relied on to date by Senators and officers and employees of the Senate for guidance [is]: that members of the Senator's staff are permitted to engage in the re-election campaign of a Senator, as long as that staff member does not neglect his or her Senate duties. The nature and scope of a staff member's Senate duties are determined by each Member of the Senate. Such duties necessarily encompass political and representational responsibilities, as well as legislative, administrative, or clerical ones, and are often performed during irregular and unconventional work hours. A similar rule of practice has been followed in the House of Representatives, and would be generally applicable to other Federal employees not covered by the Hatch Act. (S. Rept. 95-500, 95th Congress, 1st Session, p. 4.)

The restriction on campaign fund activity by Senate staffers is stated in Senate Rule XLI. As noted earlier, Rule XLI prohibits Senate officers and employees from receiving, soliciting, being the custodian of or distributing campaign funds of any Federal candidate, except that two assistants may be specifically designated by the Senator to perform such activities on that Senator's behalf. Relevant to the question of permissible campaign activity by

Senate employees is the legislative history of an amendment to Rule XLI.

On June 13, 1977, the Senate adopted S. Res. 188 (95th Congress, 1st Session), which exempted the employees designated under the rule from the prohibition against *soliciting* funds. Prior to this amendment, the exemption extended only to receiving, holding or distributing campaign funds. In explaining the 1977 amendment to Rule XLIX (now Rule XLI), the Committee on Rules and Administration in its report also commented on general campaign activities by Senate staffers. The Committee concluded that Senate employees may participate in campaign activities on behalf of a Senator "as long as they do not neglect their Senate duties":

> The committee is not aware of any laws which prohibit individuals who are part of a Senator's staff from participating in a Senator's reelection campaign as long as they do not neglect their Senate duties, and the committee does not feel there should be such proscriptions. Furthermore, it is neither illegal nor a violation of Senate Rules for a member of a Senator's staff to work full time in political campaigns while on annual leave or vacation time or while on leave of absence from his or her Senate duties, and the committee feels there should not be any proscription of such actions. (S. Rept. 95-241, 95th Congress, 1st Session p. 1.)[5]

2. Rulings of the Senate Select Committee on Ethics

Subsequent interpretative rulings by the Senate Select Committee on Ethics have similarly expressed the ethical principle and rule to be observed in the Senate, that is, that employees of the Senate are compensated from public funds for their official congressional duties rather than for campaign services, and may thus engage in campaign activities as long as those official duties have been completed. Although the Senate Rules do not specifically require it, the Senate Select Committee on Ethics has advised Members and staff that to assure that a staffer is performing official duties commensurate with his congressional salary, a staffer who is to engage in political campaign activities on behalf of a Member for any "extended period" should be removed from the public payrolls, or have his salary reduced to reflect his reduction in official duties. Some of these rulings are excerpted below:

Interpretative Ruling No. 3, May 5, 1977:

> No provision of the Code of Official Conduct prohibits staff from attending a campaign fundraising event outside office hours or while on recorded vacation leave. The interim position of this Committee is that Senators should encourage staff to remove themselves from the payroll during periods which they expect to be heavily involved in campaign activities. Routine participation after hours or on annual leave time is not now prohibited by the Code of Conduct.

Interpretative Ruling No. 5, May 11, 1977:

> Sections 307 and 308 of S. Res. 110 direct the Committee on Rules and Administration to consider matters closely related

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[5] See Interpretative Rulings of Senate Select Committee on Ethics concerning campaigning on leave time, Interpretative Rulings Nos. 3, 59, 194, 263, and 288.

to this question. . . . In the interim Members should remove staff from the Senate payroll to participate for any extended period in such activities. The Code of Official Conduct, however, was not intended to prohibit routine matters performed outside of working hours such as preparing for mailing (e.g., typing, addressing, and stuffing envelopes) invitations and letters signed by others; making follow-up telephone calls on behalf of the sponsoring organization to determine projected attendance at the event; helping the sponsoring organization make arrangements for flowers, food and entertainment; and serving on a committee of hosts and hostesses at the time of the event; not as a sponsor, but simply to mingle with the guests on behalf of the sponsoring group.

Interpretative Ruling No. 22, May 26, 1977:

It is not intended that Senate employees be barred completely from all participation in political activity. Outside of Senate office hours staff may assist in planning and making arrangements for fund raisers so long as they do not become involved with solicitation of funds.

Interpretative Ruling No. 59, September 13, 1977:

. . . Members can and should remove staff from the Senate payroll when they are to participate for an extended period in substantial campaign activities. One is not removed from the payroll by being placed in a "terminal vacation leave" status.

Interpretative Ruling No. 88, November 16, 1977:

Although the staff member cannot make a direct contribution to a Member of Congress (and thus cannot attend as a paying guest), nothing in the Code of Official Conduct prohibits the staff member from attending the fundraiser on his own time. . . .

Interpretative Ruling No. 154, June 22, 1978:

As to the possibility of minimal involvement by a staff assistant with campaign-related business, the Select Committee believes that in a Senator's reelection campaign there might be some inadvertent and minimal overlap between the duties of a Senator's staff with respect to the Senator's representational function and his re-election campaign. However, a Senator has the responsibility to insure that such an overlap is of a de minimus nature and that staff duties do not conflict with campaign responsibilities.

Interpretative Ruling No. 194, October 8, 1978:

. . . the Select Committee ruled that it is preferable for a Senator to either reduce the salary or remove an employee from the Senate payroll when the employee intends to spend additional time on campaign activities, over and above leave or vacation time. The Committee recognizes that staff members ought to be able to use bona fide vacation time for political campaign activity. As long as an office has an established and reasonable annual leave policy, and as long as an employee takes no more than the amount of time normally allowed for such leave, the Committee believes that an employee may engage in campaign activities during that time.

Interpretative Ruling No. 263, June 12, 1979:

Other than the restrictions on political fund activity in Senate Rule 49 [now Rule 41], no rule expressly prohibits campaign activity by staff during off-duty hours or during established and reasonable annual leave time. In addition, the Committee believes that Senate employees may engage in limited campaign-related activities during Senate hours, provided that the time involved is de minimus and such activity does not interfere with the employee's official Senate duties. However, if an employee intends to spend a substantial amount of time on campaign activities, the Committee has ruled that a Senator should use his or her best judgment in determining whether to remove the staff member from the Senate payroll or reduce his or her salary commensurately.

Interpretative Ruling No. 302, February 21, 1980:

It is a Member's prerogative in staffing his or her office to prescribe an employee's duties and hours, and to consent to certain outside activities. . . .

Other than the restrictions on political fund activity in Senate Rule 41, no rule expressly prohibits political activity by staff during off-duty hours or during established and reasonable annual leave time. However, if an employee intends to spend a substantial amount of time on campaign activities, the Committee has ruled that a Senator should use his or her best judgment in determining whether to remove the staff member from the Senate payroll or reduce his or her Senate salary commensurately.

Interpretative Ruling No. 326, July 1, 1980:

There is no provision of the Code of Official Conduct which prohibits such service [as a political party's National Committee Chairwoman from staffer's home state during off-hours and without compensation] by a member of the personal staff of a Senator. As S. Rep. 95-241 (95th Cong.) indicated, except for prohibitions of Rule 41 with respect to the handling of campaign funds, "it is neither illegal nor a violation of Senate Rules for a member of a Senator's staff to work full-time in political campaigns while on annual leave or vacation time or while on leave of absence from his or her Senate duties. . . ."

The prohibitions on political activity within the Code of Official Conduct are found in Rule 41. The legislative history of Rule 41 makes it clear that the Code was not intended to proscribe or restrict legitimate, voluntary political activity such as that in question.

In furtherance of legislative intent, this Committee has approved a Senate employee holding a position as a political party's precinct chairman as long as the state and local campaign activities were clearly separate and distinct from any fund-raising activities performed in connection with a Federal election, and the activities did not interfere with the employee's Senate duties. Interpretative Ruling No. 204, December 5, 1978.

> Hence an employee on the personal staff of a Senator could, during off-hours and without compensation, serve as a political party's National Committee Chairwoman from her state.[6]. . . .
>
> If involvement in any campaign activity becomes extensive, however, the supervising Member may find it wise to remove the employee from the payroll for the period of extensive campaign involvement. *See,* for example, Interpretative Ruling No. 3 (May 5, 1977); Interpretative Ruling No. 309 (February 21, 1980). This is important for the supervising Senator to recognize, because the position of National Committeeman or Committeewoman for a political party is an important position which could conceivably require a great deal of time on the part of the Senate employee.

Interpretative Ruling No. 349, October 5, 1981:

> The Committee has ruled that other than the restrictions on political fund-raising activity in Senate Rule 41, no rule expressly prohibits political activity by staff during off-duty hours or during established and reasonable annual leave time. If an employee intends to spend a substantial amount of time on campaign activities, however, the Committee has ruled that a Senator should use his or her best judgment in determining whether to remove the staff member from the Senate payroll or reduce his or her Senate salary commensurately. The Committee concluded that if the staff member's political activities conform to these guidelines, his political activity would not be prohibited.

3. Official congressional duties versus campaign activities

There are generally no specific job descriptions for committee or Member staff in the Senate which are comparable to the job descriptions in the civil service. Thus there is no detailing of what a staffer's "official" duties may entail, or precisely what activities are involved in or excluded from assisting a Member with his "official and representative" duties. Traditionally, the specific duties of a Member's staff are within the discretion of the employing Member to best meet the Member's needs and those of his constituents. As to the exercise of this discretion, however, at least in the House of Representatives, the United States Court of Appeals for the District of Columbia, in upholding a conviction of a Member of the House for using clerk hire appropriations to compensate individuals who performed mostly non-congressional duties, agreed with expert testimony that it is "within a congressman's discretion to define the parameters of an employee's responsibilities as long as those responsibilities relate to the congressman's 'official and representative' duties" (*United States* v. *Diggs,* 613 F.2d 988 at 977 (D.C. Cir. 1979), *rehearing den.* 1/30/80, *cert. den.* 446 U.S. 982, June 2, 1980).

The general distinction between "official" legislative and representative duties on the one hand, and "campaign" activities on the other is a traditional distinction of long-standing in Congress. Thus, in the use of the Member's franking (free mailing) privilege in

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[6] The problems of campaign fund solicitations and the handling of campaign funds in connection with Federal elections are discussed in a later section of this report.

Congress, Members and staff are instructed by statute and regulation that it is permissible to frank materials relating to "the conduct of the official business, activities, and duties of the Congress" ... covering "all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally, or to the functioning, working or operating of the Congress and the performance of official duties in connection therewith. ..." (39 U.S.C. § 3210(a) (1) and (2)). However, the statute provides that the frank is not available for sending material complimentary or laudatory of a Member on a purely "political basis rather than on the basis of performance of official duties" nor material "which specifically solicits political support for the sender or any other person or any political party, or a vote or financial assistance for any candidate for any public office" (39 U.S.C. § 3210(a)(5) (A) and (C)).

Similarly, in the tax treatment of contributions received by candidates and Members of Congress, if contributions received are used for campaign purposes, that is, the "exempt function" of a political committee, then no tax liability would extend to the Member/candidate or his political organization for the receipt and use of such funds (26 U.S.C. § 527). However, if contributions are used by a Member for "official" congressional purposes (as permitted by Senate Rule 38 and 2 U.S.C. § 439a), rather than campaign purposes, then such money is treated as gross income to the Member, with a permissible off-setting business deduction for ordinary and necessary business expenses connected with carrying on one's official duties (26 U.S.C. § 162; Revenue Ruling 80-331). This distinction between campaign activities and official duties is also recognized and inherent in congressional rules and regulations such as the Senate Rule on computer facilities (Senate Rule XL(5)), and in other statutory provisions such as the Federal Election Campaign Act. (See 2 U.S.C. § 439a.)

Although the distinction between "official" duties and "campaign" activities is a common one in congressional matters, because of the various public, political and official roles which a Member may assume in connection with his position in Congress, there may be instances where this distinction is less clear than in others, or where one area may intrude into the other. Some confusion may initially be caused by the labelling of some of the official representational duties of a Member of Congress as "political" in nature. Thus, the Supreme Court in a case concerning the immunity of Members from prosecution under the constitutional "Speech or Debate Clause", noted that in addition to the "purely legislative activities protected by the Speech or Debate Clause", there are representational duties of a Member of Congress which, although "appropriate" and "legitimate", might be characterized as "political in nature * * * because they are a means of developing continuing support for future elections," and which do not have "the protection afforded by the Speech or Debate Clause" (*United States* v. *Brewster,* 408 U.S. 501, 512 (1972)). These "appropriate" representational duties of Members of Congress may include "legitimate errands performed for constituents, the making of appointments with Government agencies, assistance in securing Government contracts, preparing so-called 'newsletters' to constituents, news releases, and speeches delivered outside of Congress" (408 U.S. at 512).

Even though these constituent services and communications to constituents, which are part of the Member's legitimate official representational duties, might be characterized as "political in nature", they are clearly distinguishable, as far as the Senate standards and ethical principle involved, from those activities typically understood by congressional rule, statute, and practice to be political "campaign" activities, such as the solicitation of political contributions, canvassing votes for a candidate in a primary or general election, organizing a political fundraiser, coordinating campaign volunteer lists, etc. The Supreme Court in *Buckley* v. *Valeo,* 424 U.S. 1 (1976), noted that a particular statute in the Federal campaign laws is specifically directed at Congress' accommodating this distinction "between the legitimate and necessary efforts of legislators to communicate with their constituents" on the one hand and "activities designed to win elections by legislators in their other role as politicians" on the other (424 U.S. at 84, note 112).

There is some practical concern, however, expressed over the potential, and arguably unavoidable, "overlap" or intrusion of some minimal campaign related activities into the official operation of a Member's office. Thus, in responding to official inquiries from the press or inquiries from constituents, congressional staffers may need to respond to questions dealing with issues or matters which relate to or bear upon a Member's political campaign as well as his official legislative and representational duties.[7] Similarly, scheduling assistance and information from the Member's official staff may be requested by the campaign staff to assure that the Member's campaign schedule does not conflict with his official agenda. Both ethics committees in Congress realize that some of this minimal overlapping may exist in the practical operation of a Member's office, and thus the Senate Select Committee on Ethics has noted that "there might be some inadvertent and minimal overlap" between the staff's official duties and activities related to a Member's campaign but that "a Senator has the responsibility to insure that such an overlap is of a *de minimus* nature and that staff duties do not conflict with campaign responsibilities." (Interpretative Ruling No. 154, June 22, 1978).

To avoid some of the more serious problems which may arise by the performance of regular campaign responsibilities by a staff employee on the public payroll, the Senate Select Committee on Ethics has recommended on various occasions that when a staffer is to engage in campaign activities on behalf of the Member for any "extended" period or to any "substantial" degree that the Member either remove the staffer from the Senate payroll for that period and compensate the staffer with campaign funds, or reduce the staffer's compensation from public funds commensurately with the reduction in official duties that the staffer is performing during his time of increased campaign activities. (Interpretative Ruling Nos. 3, 5, 59, 194, 263, 302, 326, 349). Congressional employees may also campaign on behalf of a Member of Congress while on established annual leave or other vacation time. (See, for example, Interpretative Ruling Nos. 194, 263, 302, 326, 349, Senate Select Committee on Ethics.)

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[7] See, Interpretative Ruling No. 263, June 12, 1979.

4. *False claims and fraud*

In addition to the congressional ethical standards and guidelines discussed, it is possible that legal implications may arise for Members and staff if individuals, compensated from public funds, perform no congressional duties or only a nominal percentage of official duties for such compensation, but rather mainly provide campaign services to the Member. It has been argued that since a Member makes a claim to the United States Government for the staffer's salary, and that since such salary is intended as compensation for assisting the Member in his "official" duties,[8] then using that individual for other than the official purposes contemplated might involve a false claim, a false statement, or a fraud upon the Government.

There have been several civil suits initiated by private citizens under the False Claims Act against Members of Congress for compensating individuals from the clerk hire or other staff allowances when those individuals allegedly did not perform any, or did not mainly perform official congressional duties for such compensation. These civil suits, however, have all proven unsuccessful and have been dismissed on jurisdictional or procedural grounds without a trial on the facts alleged.[9]

In the recent case of *United States ex rel. Joseph* v. *Cannon*, 642 F.2d 1373 D.C. Cir. 1981),[10] a three-judge panel of the United States Court of Appeals for the District of Columbia dismissed as a non-justiciable "political question" a civil suit under the False Claims Act initiated by a private citizen against a Member of the Senate for making claims for a staffer's official salary when that staffer allegedly worked extensively and exclusively on the Member's reelection campaign for a period of time while continuing to receive a salary from appropriated funds. The Court of Appeals noted that "political questions are denied judicial scrutiny" because the courts are "underequipped to formulate national policies or develop standards of conduct for matters not legal in nature" (642 F.2d at 1379). The courts might thus find a non-justiciable political question where there is a "lack of judicially discoverable and manageable standards" for resolving an issue. (642 F.2d at 1379). As to the use of senatorial staff on a Member's re-election campaign, the court found that the lack of specificity in the ethical guidelines existing in 1976 concerning official duties of Senate staff, and the failure of the Senate to promulgate a specific rule on campaigning by staffers at that time "reveals the lack of a firm standard during that period relevant to this case, and vividly portrays the keen difficulties with which courts would be faced were they to attempt to design guidelines on their own." (642 F.2d at 1380). Thus, the Court found that "in the absence of any discernible legal standard . . . we are loathe to give the False Claims Act an interpretation that would require the judiciary to develop rules of behavior for the Legislative Branch." (642 F.2d at 1385). In dismissing the action, the Court of Appeals warned that "In doing so, we do not, of course, say that Members of Congress or their aides may defraud the Government without subjecting themselves to statutory liabilities." (*Id.*)

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[8] See note 1, *infra.*

[9] See note 4, *infra.*

[10] Petition for cert. filed June 1, 1981, Supreme Court Docket No. 80-2036.

The Court of Appeals' warning concerning statutory liability for fraud is well taken considering recent criminal actions against former Members of the House of Representatives for false statements and fraud involving the compensation of individuals from clerk hire appropriations when such individuals performed little or no official congressional duties in return for that compensation. Thus, in the case of *United States* v. *Diggs*, 613 F.2d 988 (D.C. Cir. 1979), rehearing denied January 30, 1980, *cert. den.* 446 U.S. 982 June 2, 1980, the United States Court of Appeals for the District of Columbia upheld the conviction of a Member of the House for false statements (18 U.S.C. § 1001) and mail fraud (18 U.S.C. § 1341) for a scheme whereby individuals were being compensated from public funds, that is, clerk hire appropriations, but were performing only nominal official congressional duties. The Court of Appeals found that although the "employees" involved may have performed some official congressional services for the Member, "only a nominal percentage of [the employees'] responsibilities were congressionally related", and thus there was sufficient evidence for a jury to conclude that the employees were paid from the clerk hire allowance "with the intention of compensating them for services rendered to the [defendant's private business concern] or the defendant" (613 F.2d at 1002). Thus, although it might be argued that "it was a matter of [the Member's] discretion to fix their duties and salaries as congressional employees", the defendant's "representations to the House Office of Finance that [the employees] were bona fide congressional employees were fraudulent and material in violation of 18 U.S.C. § 1001". (*Id.*)

In a criminal action specifically involving campaign activities by persons compensated from clerk hire funds, the Department of Justice in 1978 obtained a criminal indictment against a former Member of the House of Representatives, charging that the former Member while in Congress had defrauded the United States by placing 11 persons on his congressional payroll to pay them for operating and staffing various campaign headquarters in the former Member's reelection campaign (*United States* v. *Clark*, Criminal No. 78-207 (D.C. W. Pa. 1978)). The indictment specifically charged violations of the mail fraud statute (18 U.S.C. § 1341), among other violations, for using the mails to send payroll checks in executing "a scheme and artifice to defraud the United States of America, and to obtain money and property by means of false and fraudulent pretenses, representations and promises . . . ." (Grand Jury indictment, p. 2). The "scheme", as charged in the indictment, was that the defendant "would prepare and submit . . . clerk hire allowance and payroll authorization forms to the Office of Finance of the House of Representatives which falsely represented that [certain named individuals] were bona fide employees of the defendant's congressional staff and that they were performing the type of services which entitled them to salaries stated in the clerk hire forms," while willfully concealing that those named individuals were in fact placed on the House payroll "in order to pay them for their work in maintaining, staffing, and operating various campaign headquarters opened for the purpose of reelecting the defendant to Congress" (Grand Jury indictment, pp. 2-3). On February 13, 1979, the defendant/former Member of Congress pleaded guilty to the mail fraud and income tax evasion counts in this indictment in connection with those activities charged, and on June 12, 1979 was sentenced to two years in prison and fined $11,000.

5. Disclosure under Federal campaign laws

Where official staff engage in any campaign activity on behalf of a Member, questions have arisen as to whether the salary of the staffer must be disclosed as a contribution, expenditure, or other reportable information under 2 U.S.C. §434. Section 434 requires that most contributions and expenditures to influence the nomination or election of a Federal candidate be reported. Under current determinations by the Federal Election Commission, the agency responsible for the enforcement of the reporting provisions, the salaries of official staffers who engage in campaign activities on behalf of an incumbent do not have to be reported.

The Commission considered the question of disclosure of a staffer's salary during the 1976 presidential election campaign. Complaints were filed with the Commission to question the use during that campaign of a White House office staff presidential counselor for campaign purposes. The Commission concluded that none of the complaints furnished evidence that the campaign activities of the presidential advisor occurred during his working time as counselor to the President. The Commission further concluded that campaign related personal services provided outside the normal workday are not contributions (See Federal Election Commission, MUR 077(76).)

More recently, during an audit of the House and Senate congressional campaign committees, the Commission determined that the value of free Government office space provided to those committees did not have to be reported as a campaign contribution or expenditure, nor as information which might be considered otherwise reportable by the Commission. The Commission concluded that the use of legislatively appropriated funds does not amount to a statutory contribution or expenditure. In reaching this conclusion, the Commission found that the United States Government is not a "person" as that term is used in the Federal election campaign laws (e.g., 2 U.S.C. §§ 434(b)(2), 441a(A)(1), 437g, etc.) and was consequently not intended to be subject to disclosure requirements. The Federal Election Campaign Act, as amended, now specifically excludes the Federal Government or any authority of the Federal Government from the term "person." (See 2 U.S.C. §431(11).) (See letter from Federal Election Commission Chairman Thomas E. Harris, dated September 28, 1977, to Senate Rules and Administration Committee citing AO 1976-34, AO 1976-44, MUR 246(76).)

Thus, under current interpretations by the Federal Election Commission, the salary paid from offical funds to a staffer who engages in campaign activity on behalf of a Member is not required to be reported (See letter from Federal Election Commission Chairman Thomas E. Harris, dated September 13, 1977, to Senate Rules and Administration Committee.) In any event, as discussed earlier, under the standards and rulings in the Senate, a staffer should not be engaged in campaign activities during "official time" for which he is receiving compensation from appropriated funds.

B. Campaigning for Elective Office

The permissible campaign activity by staff employees of Members of Congress includes running as a candidate for partisan elective office. Thus, a congressional staff employee is not prohibited by statute or rule from running for delegate to a national or state party convention, or for elective state, local or even Federal office. The considerations discussed above concerning electioneering or campaigning during "free time", as opposed to "working hours" for which compensation is derived from the U.S. Treasury, would of course, apply to running for elective office as well as to campaign activity in general.

Although congressional employees are not expressly prohibited from running for elective office, they may effectively be barred from simultaneously holding a full-time elective office and retaining their congressional employment. Concerning a Federal elective office, certain Federal statutes such as those dealing with dual pay and dual employment, and precedents and constitutional provisions with regard to "incompatible offices" appear to eliminate the possibility of holding two, full-time paid positions or offices with the Federal Government.

As far as State, local, or any other outside positions, various Senate Rules concerning outside employment, conflicts of interest, and standards and rulings regarding one's giving a full day's labor for a full day's pay, may severely restrict, and effectively prohibit, a congressional employee from holding an outside, full-time position. When a State or local elective position, however, is intended merely to be a part-time position, entailing only evening and weekend hours or intermittent duties, the potential "time" conflict with one's congressional employment may be eliminated. In such an instance, when there is no apparent incompatibility or "subject matter" conflict of interest between the State or local office and one's congressional employment, a congressional employee might be able to hold such a position when approval is received from his or her employing congressional office. (See, for example, Senate Select Committee on Ethics, Interpretative Ruling No. 55, September 7, 1977 and No. 109, March 23, 1978.)

Finally, it should be noted that State and local statutes and ordinances of the jurisdiction concerned should be examined, as those provisions often expressly prohibit an elected or appointed officer of the jurisdiction from simultaneously holding Federal office or employment.

C. Campaign Funds and Finances

1. Campaign fund activity by Senate employees

As discussed briefly above, Senate Rules restrict campaign fund activity by Senate officers and employees. Generally, Senate Rule XLI prohibits Senate officers and employees from "handling" any campaign funds for a Federal election. Thus, an employee or officer of the Senate may not receive, solicit, be the custodian of, or distribute campaign funds of any Federal candidate, except that two assistants may be designated by the Senator to perform such activities on behalf of that Senator. The Select Committee on Ethics has found under the Rule that Senate employees may not "solicit others to solicit funds or otherwise become involved to any substantial degree in political fund activity." (Interpretative Rulings Nos. 326, July 1, 1980; and 25, June 2, 1977.)

The relevant portion of Rule XLI states as follows:

> RULE XLI
>
> POLITICAL FUND ACTIVITY; DEFINITIONS
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> 1. No officer or employee of the Senate may receive, solicit, be a custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election, of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to two assistants to a Senator, at least one of whom is in Washington, District of Columbia, who have been designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who are compensated at an annual rate in excess of $10,000 if such designation has been made in writing and filed with the Secretary of the Senate and if each such assistant files a financial statement in the form provided under rule XXXIV for each year during which he is designated under this rule. The Secretary of the Senate shall make the designation available for public inspection.

The Senate Rule on campaign fund activities by Senate employees has been interpreted to permit the two designated employees of the Senator to handle campaign funds for a Federal campaign *only* on behalf of the Senator designating them. Thus, even the two designated employees could not be involved in the solicitation, receipt, distribution, or in being the custodian of campaign funds on behalf of any Federal candidate other than their employing Senator. (See Interpretative Ruling No. 223, January 30, 1979; No. 222, January 30, 1979; No. 32, June 17, 1977; and No. 45, July 20, 1977.) This would effectively bar Senate employees from fundraising or campaign fund management for multi-candidate political committees or political action committees which are involved in the *Federal* campaigns of persons other than their employing Senator. The Senate Select Committee on Ethics has thus found that a position of chief executive officer of a state political party committee, since the duties of the position entail in the normal course of business "the acceptance, solicitation, retention or expeditures of funds in connection with federal elections" and for Federal candidates other than the employee's supervising Senator, would be in violation of Senate rule 41 even for campaign funds designees (Interpretative Ruling No. 291, November 26, 1979). However, the Committee ruled that a campaign fund designee could hold a position as a national party chairperson for one's state when the nature of the duties concerning political funds were not of a similar nature to those described above (Interpretative Ruling No. 326, July 1, 1980).

The restriction on employees of the Senate in Rule 41 does not extend to fundraising activity or campaign finance activity in relation to strictly state or local political contests. (See Interpretative Ruling No. 204, December 5, 1978; and No. 182, September 29, 1978.) The Senate Select Committee on Ethics has made it clear, however, that "the State and local political fund activity must be clearly separate and distinct from any activities in connection with a Federal election in order to be permitted under the Rule." (Interpretative Ruling No. 291, November 26, 1979; see also Interpretative Ruling No. 326, July 1, 1980).

2. Political contributions

There are specific restrictions within current Federal law upon congressional employees (as well as all other Federal employees) in the area of soliciting or making political contributions. Federal criminal statutes, amended by the Federal Election Campaign Act Amendments of 1979, P.L. 96-187, January 8, 1980 (H.R. 5010, 96th Congress, 1st Session), presently *prohibit* a congressional employee from: (a) *soliciting* a political contribution for a Federal campaign from any other Federal officer, employee, or person receiving a salary or compensation for services from the United States Treasury (18 U.S.C. § 602); and (b) *making* any political contribution to a Federal officer, employee, person receiving a salary from the United States Treasury, or Member of Congress who is the employer or employing authority of the congressional staffer (now 18 U.S.C. § 603).

The precise statutory language of these provisions reads as follows:

Section 602. Solicitation of Political Contributions.

It shall be unlawful for—

(1) a candidate for the Congress;

(2) an individual elected to or serving in the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(3) an officer or employee of the United States or any department or agency thereof; or

(4) a person receiving any salary or compensation for services from money derived from the Treasury of the United States,

to knowingly solicit, any contributions within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 from any other such officer, employee, or person. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Section 603. Making Political Contributions.

(a) It shall be unlawful for an officer or employee of the United States or any department or agency thereof, or a person receiving any salary or compensation for services from money derived from the Treasury of the United States, to make any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 to any other such officer, employee or person or to any Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, if the person receiving such contribution is the employer or employing authority of the person making the contribution. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years or both.

(b) For purposes of this section, a contribution to an authorized committee as defined in section 302(e)(1) of the Federal Election Campaign Act of 1971 shall be considered a contribution to the individual who has authorized such committee.

a. Soliciting political contributions from Federal employees

The statute at 18 U.S.C. § 602, as amended, prohibits congressional employees from "knowingly" soliciting political contributions from any other Federal employee, officer, or person receiving salary for services from the United States Treasury. Inadvertent solicitations of Federal employees, therefore, such as when part of a general fund raising campaign aimed at the general public, was not intended to be a violation of this provision or its predecessor. (See 113 *Congressional Record,* p. 25703, September 11, 1973). As stated in the House Report on the Federal Election Campaign Act Amendments of 1979, amending § 602:

> In order for a solicitation to be a violation of this section, it must be actually known that the person who is being solicited is a federal employee. Merely mailing to a list will no doubt contain names of federal employees [and] is not a violation of this section. (H. Rept. No. 96-422, 96th Congress, 1st Session, p. 25).

Unlike the statute prior to the amendments contained in the FECA Amendments of 1979, P.L. 96-187, the current § 602 prohibits only the "solicitation" of political contributions from other Federal employees and does not prohibit the "receipt" of such contributions. Therefore, under section 602 congressional employees may apparently receive *unsolicited* political contributions from other Federal employees (although Senate employees if not political fund designees are prohibited from such activity under Rule 41 discussed above). As stated in the House Report on this measure: "The provision prohibiting receipt of contributions by federal employees has been eliminated" (*id.*).

Since the term "contribution" is defined for purposes of this restriction as the term is defined in section 301(8) of the Federal

Election Campaign Act of 1971, the prohibition on soliciting contributions from fellow Federal employees will apparently not reach political contributions to support only State or local candidates. Section 301(8) of the FECA of 1971 is now codified at 2 U.S.C. § 431(8) and defines "contribution" to mean "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office". Similarly, since Senate Rule 41 restricts political fund activity relating only to Federal elections, Senate staffers would not be barred from soliciting and receiving voluntary contributions strictly for State or local candidates from fellow staffers or from other Federal employees.

In addition to prohibiting congressional employees from soliciting political contributions for Federal elections from other Federal employees, the statute likewise prohibits Members of and candidates to Congress from soliciting such contributions from Federal employees. Thus, Members of Congress may not "solicit", but may now apparently accept *unsolicited*, voluntary contributions from Federal employees. However, it should be noted that congressional staffers who are the Member's employees or under the employing authority of that Member are specifically *prohibited* from *making* even unsolicited contributions to that Member of Congress, under 18 U.S.C. § 603, as amended by P.L. 96-187. As a practical matter, then, Members of Congress should not accept such contributions from their employees.[11]

The intent of the prohibition on solicitations, as discussed by its sponsors, was to prevent Federal employees from being "subject to any form of political assessment" (*Congressional Record,* December 18, 1979, S 19099 [daily ed.]). Since the statute is directed to protecting employees who because of their employment and positions may be subject to coercion, the prohibition of section 602, as noted in the discussion prior to the adoption of the 1979 amendments, "does not apply to solicitation of Members of Congress" (*id.*). This interpretation is consistent with the interpretation of the predecessor statute to 18 U.S.C. § 602 which, as noted in a resolution adopted by the House in the 63rd Congress, 2d Session, (1913), "should not be construed to prohibit one Senator or Member of Congress from soliciting campaign contributions from another Senator or Member of Congress." (See *Cannon's Precedents of the House of Representatives,* Vol. VI, § 401, pp. 571-573.)

b. Making political contributions

Prior to the Federal Election Campaign Act Amendments of 1979, effective January 8, 1980, congressional employees and other employees of the Federal Government were prohibited from making political contributions to any other Federal officer, employee, or Member of Congress, regardless of whether such individual was the contributor's employer or employing authority.[12] Although in practice there was no strict enforcement of the statute, [13] such a restriction on congressional employees had been on the statute books in some form since 1883. (See section 14 of the Pendleton Act, 22 Stat. 403.)[14]

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[11] Under the former statute, Members of Congress were also prohibited from receiving contributions from Federal employees, including their staff, even where no solicitation of the contribution was shown. See *Brehm* v. *United States,* 196 F.2d 769 (D.C. Cir. 1952), *cert. den.* 344 U.S. 838 (1952), upholding conviction of Member of Congress for receiving campaign contribution from staff even without specific finding of solicitation or shakedown (at 770).

[12] See 18 U.S.C. § 607, 1976 Code Ed.; note letter from Attorney General to House Judiciary Committee, October 14, 1953, "Congressional Quarterly News Features", 1954, p. 1021; Senate

Under the current statutory provision now codified at 18 U.S.C. § 603, however, congressional employees are only prohibited from making political contributions to their "boss", that is, their employer or employing authority. As explained in the House Report on the Federal Election Campaign Act Amendments of 1979, P.L. 96-187, to accompany H.R. 5010, 96th Congress, political contributions would be barred from a Member's staff to that Member, and from committee staff to the chairman of that committee. Persons employed by the minority of a committee are also barred from contributing to the ranking minority member of the committee, as well as the chairman:

> Section 603 has been amended to allow voluntary contributions from federal employees to other federal employees. If, however, the individual is employed by a Senator, Representative, or Delegate or Resident Commissioner to Congress that employee cannot contribute to his or her employer although voluntary contributions to other Members of Congress would be allowed. An individual employed by a congressional committee cannot contribute to the chairman of that particular committee. If the individual is employed by the minority that individual cannot contribute to the ranking minority member of the committee or the chairman of the committee (H. Rept. No. 96-422, 96th Cong., 1st Session, p. 26.).

In addition to permissible contributions by congressional staff to a candidate, including a Member of Congress, who is not the employer or employing authority of the staffer, congressional employees may contribute to a committee or an organization which is not an "authorized committee" of the staffer's employer or employing authority. An "authorized committee" of a candidate is one which is designated in writing by the candidate to accept contributions and make expenditure on his behalf (See 18 U.S.C. § 603(b), 2 U.S.C. § 432(e)(1), as amended by P.L. 96-187), and includes the candidate's principal campaign committee. Generally, under Federal campaign law, a multi-candidate committee, that is, one which supports more than one Federal candidate may not be designated as an "authorized committee" of a candidate (2 U.S.C. § 432(e)(3)). Therefore, congressional staffers may generally make political contributions to multi-candidate political committees, such as the Democratic or Republican Senatorial Campaign Committees or the Republican or Democratic National Committee, even though some of the proceeds

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Report No. 500, 95th Congress, 1st Session, pp. 5-6; Federal Election Commission, Commissioner's Memorandum No. 1434, August 25, 1977, p. 2; House Document No. 96-134, 96th Congress, 1st Session, pp. 116-118.

[13] See letter from Assistant Attorney General, Criminal Division, Fraud Section, Department of Justice, August 12, 1974.

[14] Similar restrictions on some Federal employees making political contributions to other employees, and receiving such contributions from other employees, have been upheld against constitutional challenges concerning interference with employee's political rights (*Ex Parte Curtis*, 106 U.S. 371 [1882], and *United States* v. *Wurzbach*, 280 U.S. 396 [1930]), as have those restrictions on general campaign activities by executive branch employees who come within the "Hatch Act" (*United States Civil Service Commission* v. *National Associations of Letter Carriers, AFL-CIO*, 413 U.S. 458 [1973]); *United Public Workers of America* (C.I.O.) v. *Mitchell*, 330 U.S. 75, 67 S. Ct. 556 (1947).

received by such committees may eventually be expended for the benefit of the contributor's employer. In making such contributions to multi-candidate committees, however, the staffer should not specifically "earmark" the contribution for use only in the campaign of his employer, since such "earmarking" of a contritution may be considered as a contribution from the staffer/contributor to that Member/candidate (see Regulations of Federal Election Commission, 11 C.F.R. § 110.6), and thus a potential violation of the criminal prohibition on contributions to one's employer or employing authority.

For purposes of the current restrictions on contributions by congressional staffers, the term "contribution" is defined as in 2 U.S.C. § 431 (section 301(8) of the Federal Election Campaign Act, as amended). Specifically excluded from the term "contribution" is the value of voluntary services by an individual provided a candidate or committee (See sec. 301(8)(B)(i) of the FECA, as amended). Thus, a congressional staffer may voluntarily provide his services, his own free time and his assistance to a Member's campaign, even his employer's campaign, without violating the prohibition on making campaign "contributions" to one's employer.

The definition of the term "contribution" under Federal campaign law also demonstrates that the prohibition goes only to the contribution of things of value in connection with a Federal election campaign (2 U.S.C. § 431, section 301(8)(A)(i) of the FECA as amended). Thus, a congressional staffer may make a political contribution to any officer or employee of the Federal Government for purposes of influencing the election or defeat of a candidate to State or local office.

c. *Fundraising Dinners and Testimonials*

Fundraising dinners and testimonials are common methods for candidates to raise money for an upcoming political campaign, or to pay off previous campaign debts. The money paid for a ticket to such an event is generally considered under Federal law as a campaign contribution from the purchaser of the ticket to the candidate on whose behalf the event is being held. (See 2 U.S.C. § 434, as amended, note explanation in H. Rept. 96-422, 96th Congress, 1st Session, p. 16, to accompany FECA Amendments of 1979; see Internal Revenue Service, Revenue Ruling 72-412 (TIR 1191), 1972-2 CB-5; see also House Rule XLIII, paragraph 7.)

Since the purchase of a ticket to a fundraiser or testimonial would generally be considered a political contribution to the candidate involved, a Senate employee should not purchase such a ticket or contribute money to a fundraiser or testimonial given for the Senator who is the staffer's employer or employing authority, under the provisions of 18 U.S.C. § 603, as amended.

Although a congressional employee should not attend such a fundraiser or testimonial as a paying guest, the employee could apparently attend as a nonpaying guest without violating provisions against making political contributions to one's employer. Furthermore, a congressional employee may also volunteer his or her own free time to work on the fundraiser or testimonial for the Member's campaign since voluntary services are not considered "contributions" under Federal campaign law (sec. 301(8)(B)(i) of the

FECA, as amended). Senate employees, however, as discussed above, are prohibited from being involved in the solicitation, receipt, disbursement, or in being the custodian of any campaign funds for use in a Federal election unless such employee is one of two persons specifically designated by a Senator to handle campaign funds. Unless so designated, a Senate employee should not be involved in that part of a fundraiser, but may be involved in the planning, arrangement making, etc., of the event. (See Senate Select Committee on Ethics, Interpretative Rulings Nos. 3, 5, 22, and 88.)

Finally, although a congressional employee could not contribute to a fundraiser or testimonial on behalf of his or her boss, or purchase a ticket to it, the employee may be permitted to "host" such a fundraiser or dinner at his or her residence without violating the Federal campaign laws. The definition of the term "contribution" within the campaign laws exempts certain costs in connection with a fundraising event on behalf of a candidate held on an individual's residential premises, up to an amount of $1,000 per any election. Expenses included in the $1,000 exemption are the cost of invitations, food, and beverages. (See 2 U.S.C. § 431(8)(B)(ii), amended by the FECA Amendments of 1979, Sec. 301(8)(B)(ii) of the FECA.)

3. Campaign activity in a Federal building

When congressional employees become involved in campaign financing activities, an important consideration is a provision now codified at 18 U.S.C. § 607, as amended by P.L. 96–187, January 8, 1980, which restricts the solicitation or receipt of political contributions in Federal buildings or other Federal facilities. The amended and renumbered version of the prohibition states as follows:

Section 607. Place of Solicitation.

> (a) It shall be unlawful for any person to solicit or receive any contribution within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 in any room or building occupied in the discharge of official duties by any person mentioned in section 603, or in any navy yard, fort, or arsenal. Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than three years, or both.

Although prohibiting the receipt or solicitation of campaign contributions in a Federal building, the amended statute recognizes that it is often unavoidable that unsolicited campaign contributions will be received through the mail or a contribution by a supporter will be tendered in person, within a congressional office. When this situation occurs the statute specifically provides that a staff employee of a Member of Congress may accept the contribution as a transmittal for subsequent forwarding, within seven days of receipt, to an appropriate campaign organization outside of the congressional office. This provision of 18 U.S.C. § 607 states as follows:

Section 607.

> (b) The prohibition in subsection (a) shall not apply to the receipt of contributions by persons on the staff of a Senator or

> Representative in, or Delegate or Resident Commissioner to, the Congress, provided that such contributions have not been solicited in any manner which directs the contributor to mail or deliver a contribution to any room, building, or other facility referred to in subsection (a), and provided that such contributions are transferred within seven days of receipt to a political committee within the meaning of section 302(e) of the Federal Election Campaign Act of 1971.

The prohibition of this statute and the exception to it were discussed on the floor of the Senate prior to the adoption of this provision as part of the Federal Election Campaign Act Amendments of 1979:

> Solicitation or receipt of contributions in any room or building occupied by a Federal employee in the course of official duties is prohibited. The sole exception is for contributions received by an individual on the staff of a Member of Congress, provided the contributions are transferred to the Member's political committee within 7 days. This exception is intended to cover situations in which a contributor, although not requested to, mails or delivers a contribution to a Federal office. The exception does not authorize solicitations from a Federal office, nor does it permit receipt of contributions in a Federal office where such contributions have been solicited in any manner which directs the contributor to return contributions to a Federal office. (*Congressional Record,* December 18, 1979, p. S 19099–S 19100, [daily edition], Senator Hatfield).

As for the act of soliciting contributions from a congressional office, it should be noted that while this prohibition has thus far not specifically been construed by the courts to prohibit the solicitation of campaign contributions from a Federal building by letter or telephone to persons who are not located in a Federal building, such activities would apparently be barred by other provisions of law relating to appropriations and offical allowances. The criminal prohibition at section 607 was originally intended and was historically construed to prohibit anyone from soliciting contributions from Federal clerks or employees while such persons were in a Federal building. (See Pendleton Act, 22 Stat. 403, 407, 14 Cong. Rec. 640, 865; note specifically 62 Stat. 722, 18 U.S.C. § 603, 1948 ed., see H. Rept. No. 305, 89th Congress, 1st Session, p. A51.) In interpretations of this provision, the focus of the prohibition has been directed to the location of the individual from whom a contribution was requested, rather than the location from which the solicitation had originated. In 1908 the Supreme Court had occasion to interpret the statute which was the predecessor of the current section 607. The decision of the Court in the case of *United States* v. *Thayer,* 209 U.S. 39 (1908) stated that the act of "solicitation" is completed, and therefore, arises, at the location where the request for a contribution is *received* by the person to whom the request is made. The Court stated: ". . . the solicitation was in the place where the letter was received" (209 U.S. at 44). Under this interpretation, questions could possibly be raised as to the provision's intent to restrict solicitations from a congressional office which are directed to persons who are not in a Federal building.

However, despite questions which may be raised concerning solicitations under section 607, other provisions of the United States Code, as well as congressional regulations governing allowances, specify that amounts provided a Member of Congress from appropriated funds for such things as telephone, mail, office space, stationery, etc., are for the use of such items only for "official" or "strictly official" purposes.[15] These provisions would thus apparently work to bar the use or conversion of such supplies, equipment, or facilities for "campaign" purposes, rather than for "official" congressional business. As discussed earlier in this report with respect to the official allowances for congressional staff, the use of official allowances, or supplies, services, or goods secured by such allowances, for other than the official purposes for which the appropriations were made, or for other purposes than those which the Member had certified or documented in vouchers, might possibly subject a Member to a number of legal liabilities concerning false claims, fraud or possibly even conversion or theft.

General campaign or campaign fund activities should thus be conducted outside of the official office space provided Members of Congress, and should generally be conducted with equipment, supplies or other facilities which are secured by private funds or contributions and not official congressional allowances or appropriations.

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[15] See for example 2 U.S.C. §§ 42c, 43b, 46g, 46g-1, 56-59, 122a, as well as regulations issued by the Committee on House Administration and the Senate Committee on Rules and Administration governing use of official allowances.

D. Quick Reference List of Specific Campaign Prohibitions

1. General

A Senate staff employee *may not:*

(1) Deprive, attempt to deprive, or threaten to deprive anyone of employment or any other benefit, provided for or made possible by an Act of Congress appropriating relief funds because of that person's political affiliation (18 U.S.C. § 246, as added by P.L. 94-453).

(2) Make or offer to make an expenditure to any person either to vote or withhold one's vote or to vote for or against any candidate in a Federal election (18 U.S.C. § 597).

(3) Solicit, accept, or receive an expenditure in consideration of his vote or the withholding of his vote in a Federal election (18 U.S.C. § 597).

(4) Use any appropriation by Congress for work relief, relief, or for increasing employment, or exercise any authority conferred by an appropriations act for the purpose of interfering with, restraining, or coercing any individual in the exercise of his right to vote (18 U.S.C. § 598).

(5) If a candidate, directly or indirectly promise or pledge the appointment of any person to any public or private position or employment, for the purpose of procuring support in one's candidacy (18 U.S.C. § 599).

(6) Promise employment or any other benefit provided for or made possible by an Act of Congress as reward for political activity or support (18 U.S.C. § 600).

(7) Furnish, disclose, or receive for political purposes the names of persons receiving relief payments under any act of Congress (18 U.S.C. § 605).

(8) Make any expenditure for any general public political advertising which anonymously advocates the election or defeat of a clearly identified candidate (2 U.S.C. § 441d).

(9) Fraudulently misrepresent oneself as speaking or acting on behalf of a candidate (2 U.S.C. § 441h).

2. Soliciting or receiving campaign contributions

A Senate employee *may not:*

(1) Receive, solicit, be custodian of, or distribute any campaign funds *unless* you are one of two assistants whom the Senator has designated to perform such functions, you are compensated at a rate in excess of $10,000 per annum, the Senator's designation has been made in writing and filed with the Secretary of the Senate and you file an annual financial disclosure statement (Rule XLI, Standing Rules of the Senate (1977)).

(2) Promise to use support or influence to obtain Federal employment for anyone in return for a political contribution (18 U.S.C. § 211).

(3) Cause or attempt to cause anyone to make a political contribution by means of denying or threatening to deny any governmental employment or benefit provided for or made possible, in whole or in part, by any act of Congress (18 U.S.C. § 601, as amended by the P.L. 94-453).

(4) Solicit political contributions from any other Federal employee or any "person receiving any salary or compensation or services from money derived from the Treasury of the United States" (18 U.S.C. § 602, as amended by P.L. 96-187).

(5) Solicit or receive political contributions from persons known to be entitled to or to be receiving relief payments under any act of Congress (18 U.S.C. § 604).

(6) Intimidate any Federal officer or employee to secure political contributions (18 U.S.C. § 606).

(7) Solicit or receive political contributions in a Federal building, other than unsolicited contributions transferred to a political committee within seven days (18 U.S.C. § 607, P.L. 96-187, amending and renumbering former 18 U.S.C. § 603, 1976 Code Ed.).

(8) Knowingly accept contribution in excess of limitations under Federal law of $1,000 to a candidate from any person, $5,000 to a candidate from multi-candidate committees (2 U.S.C. § 441a(a), added by P.L. 94-283).

(9) Accept or receive any political contribution from the organizational or treasury funds of a national bank, corporation, or labor organization (2 U.S.C. § 441b).

(10) Knowingly solicit contributions from Government contractors (2 U.S.C. § 441c).

(11) Solicit, accept, or receive a contribution from a foreign national (2 U.S.C. § 441e).

(12) Knowingly accept a contribution made by one person in the name of another person (2 U.S.C. § 441f).

3. Making political contributions

A Senate staff employee *may not:*

(1) Make a political contribution to any Member of Congress or Federal official who is the employer or employing authority of the congressional staffer (18 U.S.C. § 603, P.L. 96-187, amending and renumbering 18 U.S.C. § 607, 1976 Code Ed.).

(2) Make a cash contribution in excess of $100 (2 U.S.C. § 441g);

(3) Make contributions in excess of $1,000 per election to any candidate, $5,000 per calendar year to a political committee, and $20,000 to a national party committee, or make contributions aggregating over $25,000 per calendar year (2 U.S.C. § 441a(a));

(4) Make a contribution in the name of another (2 U.S.C. § 441f);

(5) Make contributions or expenditures in excess of $100 other than by contribution to a committee or candidate, with-

out filing a report with the Federal Election Commission (2 U.S.C. § 434(e)).

PART V

MISCELLANEOUS TABLES

PART V

MISCELLANEOUS TABLES

A. TABLE I. PRIMARY ELECTIONS, WHEN HELD [1]

[NOTE.—All charts subject to changes made in special or regular sessions of 1982 legislatures]

State	Primary	Date in 1982
Alabama	1st Tuesday after 1st Monday in September	Sept. 7.
	Runoff—3d Tuesday after the primary	Sept. 28.
Alaska	4th Tuesday in August	Aug. 24.
Arizona	8th Tuesday prior to general election	Sept. 7.
Arkansas	Preferential—on the day 2 weeks prior to the general primary.	May 25.
	General primary—2d Tuesday in June	June 8.
California	1st Tuesday after 1st Monday in June	June 8.
Colorado	2d Tuesday in September	Sept. 14.
Connecticut	56th day preceding election	Sept. 7.
Delaware	1st Saturday following 1st Monday in September.	Sept. 11.
Florida	1st Tuesday on 6th day or later in September	Sept. 7.
	Runoff—4th Tuesday after 1st primary	Oct. 5.
Georgia	2d Tuesday in August	Aug. 10.
	Runoff—21st day following primary	Aug. 31.
Hawaii	2d to last Saturday of September	Sept. 18.
Idaho	4th Tuesday in May	May 25.
Illinois	3d Tuesday in March	Mar. 16.
Indiana	1st Tuesday after 1st Monday in May	May 4.
Iowa	1st Tuesday after 1st Monday in June	June 8.
Kansas	1st Tuesday in August	Aug. 3.
Kentucky	1st Tuesday after 4th Monday in May	May 25.
Louisiana	3d Saturday in September in year in which a U.S. Senator is to be elected.	Sept. 18.
Maine	2d Tuesday of June of each general election year.	June 8.
Maryland	2d Tuesday after 1st Monday in September except on 2d Tuesday in May in those years in which a national convention is held to nominate a President and Vice President.	Sept. 14.
Massachusetts	7th Tuesday preceding biennial State elections	Sept. 14.
Michigan	Tuesday after 1st Monday in August preceding general November elections at which a U.S. Senator is to be elected.	Aug. 3.
Minnesota	1st Tuesday after 2d Monday in September in even-numbered years.	Sept. 14.
Mississippi	No preferential election for U.S. Senator unless section is disapproved by Attorney General or U.S. District Court for District of Columbia, in which case primary is on the 1st Tuesday in June.	June 1.
	Runoff 3 weeks later	June 22.
Missouri	1st Tuesday after the 1st Monday in August of even-numbered years.	Aug. 3.
Montana	1st Tuesday after 1st Monday in June preceding the general election.	June 8.

A. Table I. Primary Elections, When Held[1]—Continued

[Note.—All charts subject to changes made in special or regular sessions of 1982 legislatures]

State	Primary	Date in 1982
Nebraska	1st Tuesday after 2d Monday in May in even-numbered years.	May 11.
Nevada	2d Tuesday in September in general election years.	Sept. 14.
New Hampshire	2d Tuesday in September	Sept. 14.
New Jersey	Tuesday after 1st Monday in June	June 8.
New Mexico	1st Tuesday in June of each even-numbered year.	June 1.
New York	1st Tuesday after 2d Monday in September	Sept. 14.
North Carolina	Tuesday after the 1st Monday in May	May 4.
	Runoff—4 weeks after the 1st primary	June 1.
North Dakota	2d Tuesday in June in general election years	June 8.
Ohio	1st Tuesday after 1st Monday in June of each general election year.	June 8.
Oklahoma	4th Tuesday in August in even-numbered years.	Aug. 24.
	Runoff	Sept. 21.
Oregon	3d Tuesday in May of each even-numbered year.	May 18.
Pennsylvania	3d Tuesday in May in even-numbered years, except in Presidential election years, when it shall be held on the 4th Tuesday in April.	May 18.
Rhode Island	2d Tuesday after 1st Monday in September in even-numbered years.	Sept. 14.
South Carolina	2d Tuesday in June in general election years	June 8.
South Dakota	1st Tuesday in June in even-numbered years	June 1.
Tennessee	1st Thursday in August in even-numbered years.	Aug. 5.
Texas	1st Saturday in May in even-numberd years.	May 1.
	Runoff—1st Saturday in June.	June 5.
Utah	2d Tuesday in September	Sept. 14.
Vermont	2d Tuesday of September in even-numbered years.	Sept. 14.
Virginia	2d Tuesday in June next preceding the general election.	June 8.
Washington	3d Tuesday in September in general election years or on the 7th Tuesday immediately preceding the election, whichever occurs first.	Sept. 14.
West Virginia	1st Tuesday in June	June 1.
Wisconsin	2d Tuesday in September	Sept. 14.
Wyoming	1st Tuesday after 2d Monday in September in general election years.	Sept. 14.

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[1] Dates were determined according to specific statutory provisions for each State.

B. Table II. Nominating Papers, Petitions, Etc.

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Alabama	Declaration of candidacy—not later than 60 days before primary.		Chairman of State executive committee.	July 9.
	Independent candidate's petition—not later than date of first primary.	1 percent of total registered voters in State.	Secretary of State	Sept. 7.
	Certificate of nomination, convention or caucus candidate—not later than date of 1st primary.		do	Do.
Alaska	Declaration of candidacy—on or before 5 p.m. June 1 in election year.		Director of Elections	June 1.
	Nominating petition for independent candidate—on or before 5 p.m. June 1 in election year.	Not less than 3% of number of votes cast in preceding general election.	do	Do.
Arizona	Nomination paper and nominating petitions—not less than 75 nor more than 105 days before the primary.	1 percent of party vote for Governor in last election in at least 3 counties, but not less than 1 nor more than 10 percent of total party vote.	Secretary of State	June 24.
	Certificate of nomination for independent candidate—within 10 days after primary.	1 percent of qualified electors who did not vote in the party primaries or sign a nominating petition.	do	Sept. 17.
	Petition for new party to be recognized in primary and general election—not less than 75 nor more than 105 days prior to primary.	Qualified electors numbering no less than 2 percent of votes cast for Governor in last preceding election.	do	June 24.
	Nomination papers, write-in candidate—no later than Wednesday before election.		do	Oct. 27.
Arkansas	Party pledge and political practice pledge file not earlier than noon on 2d Tuesday in March and not later than noon on 1st Tuesday in April.		Party pledge—Secretary of State committee; practice pledge—Secretary of State.	Apr. 6.
	Certificate of nomination, of party candidate—from 45 to 55 days before general election.		do	Sept. 18.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Arkansas—Con.	Certificate of nomination for independent candidate—By time required for filing political practice pledges and party pledges.	Not less than 3 percent of qualified electors of the State, or 10,000, whichever is less.	Party pledge—Secretary of State committee; practice pledge—Secretary of State.	Apr. 6.
	Notification of intention to be candidate, and familiarity with political practice pledge, or write-in candidate nominated in primary—30 days before general election.		County election commissioner.	Oct. 3.
	New party, qualification for ballot—1st Tuesday in May before primary.	Qualified electors equal to 3 percent of vote for Governor in last gubernatorial election.	Secretary of State	May 4.
California	Declaration of candidacy, or declaration of acceptance of nomination—at least 88 but not more than 113 days before primary; extended 5 days if incumbent does not file.		do	Mar. 12,[1] 17.[2]
	Sponsor certificates—at least 88 but not more than 113 days before primary.	Not less than 65 no more than 100.	do	Do.
	Nomination papers for independent candidate, from 129 to 64 days before general election, together with affidavit of candidate. Leave with county clerk for examination not more than 148 nor less than 88 days before general election.	1 percent of entire vote cast in State at the preceding general election of voters who did not vote at the immediately preceding primary at which a candidate for the U.S. Senate was nominated.	do	Aug. 6[3].
Colorado	Certificate of designation, for candidates selected for primary, by party assembly prior to 45 days before the primary.	Must have received 20 percent of votes of assembly.	Secretary of State	July 31.
	Petition—prior to 45 days before primary	Within each congressional district, 2 percent of votes cast for party's last candidate for U.S. Senator.	do	Do.

	Certificate of nomination for independent candidate—not later than 3 p.m. Tuesday preceding primary.	500 voters of State	do	Sept. 7.
	Acceptance of nomination, by candidate—must accompany all certificates and petitions, except that candidates designated by party assemblies must file within 7 days of adjournment of assembly.			
Connecticut	Certificate of designation, of party-endorsed candidate and of convention candidate receiving 20 percent of convention vote 42d day preceding primary.		do	14 days after party convention.
	Candidates of minor parties: Party rules—60 days before nomination (which must be made at least 8 weeks before general election).		do	
	Certification of candidate of minority party—49 days before general election.		do	Sept. 14.
	Nominating petition, accompanied by statement of party principles—Not later than 4 p.m., of 63d day prior to election (if filing with town clerk), or 70th day prior to election (if filing with Secretary of State).	1 percent of all votes cast for same office at last election.	Town clerk or Secretary of State.	Aug. 31 [4] Aug. 24.[5]
Delaware	Notify party chairman of desire to run in primary on or before 12 p.m. on last Friday in July.		State party chairman	July 30.
Florida	Qualification papers which include candidate's oath—after noon of the 63d day but before noon of the 49th day before 1st primary.		Department of State	July 20.

See footnotes at end of table.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Florida—Con.	Independent candidates—to appear on general election ballot must file petition 49 days prior to 1st primary preceding general election.	3 percent of registered electors of Florida.	County supervisors of elections.	Do.
Georgia	Primary candidates to commence qualifying not earlier than 9 a.m. on the 4th Wednesday in May and cease not later than 12 noon on the 2d Wednesday in June.		State Executive Committee.	June 9.
	State executive committee of each political party to certify candidates no later than noon on 3d Wednesday in June.		Secretary of State	June 16.
	Notice of candidacy for general election (nonprimary candidates) filed by 12 noon on 2d Wednesday in June.		do	June 9.
	Independent as well as party convention-nominated candidates to file petition along with notice of candidacy.	2½ percent of total number of electors eligible to vote in last election.	do	
Hawaii	Nominating paper of party candidate to be filed not later than 4:30 p.m. on 60th day before primary.	25 registered voters	Lieutenant Governor	July 20.
	Nominating paper of nonpartisan to be filed not later than 4:30 p.m. on 60th day before primary.	25 registered voters	do	Do.
	New party—must file by 150th day before next primary.	1 percent of total registered voters of State.	do	Apr. 21.
Idaho	Political party—to be created—file on or before May 30.	Qualified electors equal to 3 percent of last aggregate vote for President in the State, with no more than 20 percent from 1 county.	Secretary of State	May 30.
	Declaration of candidacy with petition of signatures to be filed between Apr. 1 and 5 p.m. Apr. 7.	1,000 qualified electors	do	Apr. 7.

	Independent candidate, general election only—after primary but prior to June 25 of general election year.	do	do	June 25.
Illinois	Petition for nomination, including statement of candidacy and non-Communist oath—92-99 days before primary.	Not less than 5,000 nor more than 10,000 primary electors of the party.	State Board of Elections	Dec. 14, 1981.
	Petition for nomination (for minor and new party candidates), and nomination papers (for independents), all to include statements of candidacy and non-Communist oaths—92 days before general election.	25,000 or 1 percent of voter at last election, whichever is less.	State electoral board, for subsequent deposit with Secretary of State.	Aug. 2.
Indiana	Declaration of candidacy with nominating petitions—by 12 o'clock noon of 60th day before primary.	5,500 registered voters (at least 500 in each congressional district).	Secretary of State	Mar. 5.
	Petition of nomination, for independent and new and minor party candidates—not later than noon on 60th day before primary.	½ of 1 percent of total State vote for secretary of state at last election.	Governor	Do.
Iowa	Nomination papers and candidate's affidavit of eligibility—from 67 to 85 days before primary.	1 percent of party voters in each of at least 10 counties, and in the aggregate, not less than ½ of 1 percent of total party vote in last general election.	State Commissioner of Elections.	
	Nomination certificate for convention or caucus candidate of nonparty political organization—from 67 to 85 days before general election.		do	
	Nomination petition, for independent candidate—from 67 to 85 days before general election.	1,000 qualified electors	do	

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Kansas	Nomination papers—not later than 12 o'clock noon on June 20, prior to primary.	Not less than 1 percent of the total vote of the party for Secretary of State at last preceding election.	Secretary of State	
	Declaration of intention—not later than 12 o'clock noon on June 20.		do.	
	Nomination papers of new or minor party convention candidate—at least 60 days before filing deadline for primary candidates.	3 percent of total vote for all candidates for Governor in last preceding general election.	do.	
	Party certificate of nomination of new or minor party convention candidate—not later than 12 o'clock noon of June 20.		do.	
	Independent certificate of nomination—not later than 12 o'clock noon on June 20.	2,500 qualified voters	do.	
Kentucky	Notification and declaration of candidate—55 days before primary.	Affidavits of 2 party members	do.	
	Certificate of nomination, for candidate of minor party—not less than 55 days before primary.		do.	
	Nomination petition for independent candidates—not less than 55 days before primary.	5,000 legally qualified voters	do.	
Louisiana	Notification of candidacy and nominating petiton—from the 2d Monday in July to 5 p.m. on the Friday after. Nonsubversive affidavits must accompany all nominating papers.	5,000, not less than 500 of which shall be from each of the congressional distics into which the State is divided.	Secretary of State and election campaign finance committee.	
Maine	Primary petition and consent of candidate—by or before 5 p.m. on Apr. 1.	Signatures by qualified voters of his party, equal to at least 2,000 but not more than 3,000.	Secretary of State	Apr. 1.

	Nomination petition and consent of independent candidate—by or before 5 p.m. on Apr. 1 (deadline is date of primary if office is not contested).	Signatures by qualifeid voters of State, equal to at least 4,000 but not more than 6,000.	......do......................................	Do.
	Acceptance of nomination by write-in candidate—within 7 days after receiving notice of his nomination.	....	......do......................................	
Maryland	Certificates of candidacy—not later then 9 p.m. on Monday, 70 days before primary.	....	State Administrative Board of Election Laws.	July 6.
	Nominating petitions for independent and minor party candidates—⅓ of signatures at time of filing certificate of candidacy, and remainder by 5 p.m. on 1st Monday in August.	3 percent of registered eligible voters.	Board of Supervisors of elections where signers reside.	July 6, Aug. 2.
	Certificate of candidacy for independent and minor party candidates—by 9 p.m. on the Monday which is 10 weeks or 70 days before primary.	....	State Administrative Board of Election Laws.	July 6.
	Certificate of candidacy by write-in candidates—within 7 days of expending $51 for candidacy but before noon of the 4th day before election.	....	......do......................................	
Massachusetts	Nomination papers and candidate's written acceptance—on or before 1st Tuesday in June of year in which State election is held.	10,000 qualified voters of party ...	Secretary of State	June 1.
	Registrar's certificate of candidate's party enrollment—on or before 1st Tuesday in June of year in which State election is held.	....	......do......................................	Do.
	Nomination papers and written acceptance of independent candidate—on or before 1st Tuesday in June of State election year.	Voters equal in number to 2 percent of entire State vote for Governor at last biennial election.	......do......................................	Do.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Massachusetts—Con.	Registrar's certificate for independent candidate of independent status and of voter registration—on or before 1st Tuesday in June of State election year.		Secretary of State	June 1.
	Written acceptance of write-in candidate nominated in primary—within 13 days succeeding 5 p.m. of day of primary.		do	Sept. 27.
Michigan	Nominating petition and 2 copies of affidavit of identification—not later than 4 p.m. of 9th Tuesday preceding August primary.	Qualified registered electors, equal in number to not less than 1 percent nor more than 4 percent of number of votes cast by such party for Secretary of State at last preceding general November election, to include at least 100 electors in each of at least 20 counties and not more than 25 percent of minimum number required may be from 1 county.	do	June 1.
	Certificate of minor party nomination by convention, written notice of acceptance by candidate, and an affidavit of identity—within 24 hours of the conclusion of the convention.		do	
Minnesota	Affidavit of candidacy for party and independent candidates—from 56 to 70 days before primary.		Secretary of State	July 20.
	Petition of independent candidate—from 56 to 70 days before primary.	1 percent of entire vote of State cast at last general election or 2,000, whichever is less.	do	Do.

Mississippi[6]	Names of candidates for primary—60 days before primary.		Chairman or secretary of proper executive committee of candidate's political party.	Apr. 2.
	Nominating petition for independent candidate—60 days before general election.	1,000 qualified electors	Ballot commissioner	Sept. 3.
	Affidavit stating that candidate will not violate Corrupt Practices Act—to be filed by all candidates prior to expiration of time for qualifying.		Secretary of State	
Missouri	Declaration of candidacy of party candidate—on or before 5 p.m. on the last Tuesday in April preceding primary.		do	Apr. 27.
	Nomination petition and statement of candidacy for new party and independent candidates—from 8 a.m. on day immediately following general election next preceding general election for which petition is submitted until 5 p.m. on 1st Monday in August immediately preceding general election for which petition is submitted.	Qualified voters in each of the several congressional districts, equal to at least 1 percent of the total number of votes cast in the district for Governor in the last gubernatorial election, or of a number of qualified voters in each of ½ of the several congressional districts, equal to at least 2 percent of the total number of votes cast in the district for Governor in the last gubernatorial election.	do	Aug. 2.
Montana	Declaration of nomination—no sooner than 1st business day in January of election year and no later than 5 p.m. 50 days before primary.		Secretary of State	Apr. 19.

See footnotes at end of table.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Montana—Con.	Certificate of nomination for independent and minor party candidates—on or before filing deadline for primary election.	5 percent or more of total vote cast for the successful candidate for U.S. Senator at preceding general election.	Secretary of State	Apr. 19.
	Declaration of acceptance of nomination by write-in candidate—within 10 days after canvass.		do	
Nebraska	Nomination petition by candidate—at least 60 days before primary.		do	Feb. 25;[7] Mar. 12.[8]
	Nomination petition in behalf of candidate—at least 60 days before primary.	25	do	Do.
	Candidate's statement of party affiliation—if petition is filed by 25 electors, file within 5 days after filing of petition. If nomination petition is by candidate, include in petition. (Incumbent must perfect filing 75 days before primary).		do	Aug. 30.
	Petition for nomination for candidate by petition—at least 70 days prior to general election.	2,200	do	Aug. 30.
	Acceptance of petition candidacy—within 10 days after filing of petition.		do	
Nevada	Declaration of candidacy—not later than 3d Wednesday in July or earlier than Jan. 1 of election year.		do	July 21.
	Certificate of candidacy—not later than 2d Friday in July.	10 or more registered voters of party.	do	July 9.
	Acceptance of nomination—with certificate of candidacy.		do	Do.
	Certificate of nomination (petition) by independent candidate—not later than last Firday in June and not earlier than 2d Monday in June.	At least 5 percent of entire State vote cast in last general election for Senator.	do	June 25.

INTENTIONAL
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New Hampshire	Primary petitions, assent of candidate, and declaration of candidacy—not more than 96 days before primary but not less than 75.	200 registered members of candidate's political party.	do	
	Nomination papers for independent candidate—40 days prior to general election.	1,000 qualified voters of the State.	do	
	Acceptance of nomination by write-in candidate—within 6 days of publication of result of primary.		do	
New Jersey	Nominating petition, acceptance of nomination, and oath of allegiance—at least 40 days before primary.	Party candidate for primary—1,000 voters of his party Independent and new and minor party candidates—800 qualified voters of State.	do	Apr. 29.
	Certificate of acceptance and oath of allegiance of write-in candidate nominated in primary—within 7 days after primary.		do	June 15.
New Mexico	Statement of candidacy for convention designation—between 9 a.m. and 5 p.m. on 1st Tuesday of March of each even-numbered year.		do	Mar. 2.
	Nominating petition—with statement of candidacy for convention designation.	At least 1 percent of the votes cast for the party's candidate for Governor at the last preceding primary election at which party's candidate for Governor was nominated in each of at least 10 counties in the State and not less than 1 percent of the vote of his party in the State.	do	Do.
	Certification of candidates by State conventions—55 days before primary.		do	Apr. 17.

See footnotes at end of table.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
New Mexico—Con't ...	Declaration of candidacy and nominating petitions by anyone certified by Secretary of State as candidate for convention designation who does not receive 20 percent of the delegate vote at convention—50 days before primary.	Not less than 1 percent in each of 10 counties with a total of 3 percent statewide of the total number of votes cast in the State by that party for Governor in the last preceding primary election at which the party's candidate for Governor was nominated.	Secretary of State	Apr. 12.
	Certification of names of nominees of minor parties, 2d Tuesday in July before the general election.	....	......do......................................	July 14.
	Nominating petitions of minor party candidates—with certification of nomination by the party.	Not less than 3 percent of the total number of votes cast at the last preceding general election for Governor or President.	......do......................................	Do.
	Declaration of intent by write-in candidates—before 5 p.m. on the 50th day before the primary.	....	......do......................................	Apr. 12.
	Nominating petitions by independent candidates—from 9 a.m. on the 2d Tuesday of July until 5 p.m. of that same day and not later than 5 p.m. on the 56th day preceding any U.S. Representative special election.	Voters equal to at least 3 percent of the total number of votes cast in each of at least 10 counties in the State and not less than 5 percent of the total number of votes cast in the State for Governor at the last gubernatorial election.	......do......................................	July 15.
	Declaration of candidacy by independent candidates—from 9 a.m. on the 2d Tuesday of July until 5 p.m. of that same day and not later than 5 p.m. on the 56th day preceding any U.S. Representative special election.	....	......do......................................	Do.

New York	Certificate of nomination by State party committee—within 4 days after State party meeting.		State Board of Elections	June 28.
	Demand to be placed on party primary ballot by candidates receiving 25 percent or more of total vote cast by party State committee on any one balloting—within 7 days after party State committee meeting.		do	
	Petition by enrolled party members to have candidate's name placed on primary ballot—not earlier than the 8th Monday and not later than the 7th Thursday before the primary.	20,000 or 5 percent, whichever is less, of enrolled party voters within the State, of whom not less than 100 or 5 percent, whichever is less, of such enrolled voters shall reside in each of ½ of the congressional districts of the State.	do	July 29.
	Nominating petition by independent candidate—not earlier than 8 weeks and not later than 7 weeks preceding the general election.	20,000, of whom at least 100 shall reside in each of ½ of the congressional districts in the State.	do	Sept. 14.
	Certificate of acceptance of party nomination—not later than the 3d day after the 7th Tuesday preceding the general election.		do	Sept. 17.
North Carolina	Notice of candidacy and pledge not to run as write-in candidate if defeated in primary—from noon on the 1st Monday in January until noon on the 1st Monday in February preceding the primary..		do	Feb. 1.
	Nominating petition and affidavit of nonaffiliation of independent candidate—on or before noon on last Friday in April.	At least 10 percent of vote for Governor cast in last gubernatorial election.	do	Apr. 30.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
North Dakota	Candidate's petition and affidavit that he seeks nomination—46 to 55 days before primary.	3 percent of the total vote cast for candidates of such party for the same position at the last general election but not more than 300 signatures.	Secretary of State	Apr. 14.
	Certificate of nomination by independent candidate—not later than 4 p.m. of the 55th day before general election.	300 signatures of electors residing in the State.	do	Sept. 14.
Ohio	Declaration of candidacy and petition—by 4 p.m. of the 75th day before primary.	Not less than 1,000 nor more than 3,000.	do	Mar. 25.
	Nominating petition and statement of candidacy of independent candidate—by 4 p.m. of the 75th day before primary.	Between 5,000 and 15,000	do	Do.
Oklahoma	Declaration of candidacy—during period beginning 1st Monday after July 4; remaining open until 5 p.m. of next succeeding Wednesday.		Secretary of State Election Board.	July 7.
	Petition filed with declaration of candidacy or pay filing fee..	5 percent of electors registered for primary.	do	Do.
Oregon	Candidate's petition for nomination—not later than the 70th day before primary and not sooner than the 250th day before primary.	2 percent of party vote for presidential electors at last election, or at least 1,000, whichever is the lesser, included in which shall be signatures of voters in each of at least 1/10 of the precincts in each of at least 7 counties.	Secretary of State	Mar. 9.
	Declaration of candidacy, in lieu of petition—by 5 p.m. of 70th day before primary and not before 250th day.		do	Do.
	Certificate of nomination, acceptance of nomination, and petition for candidates of new parties—from 15 days after primary to 70 days before general election.	5 percent of State vote at last election for Representatives in Congress.	do	Aug. 24.

	Certificate of nomination and acceptance of nomination for candidate of minor party—from 15 days after primary to 70 days before general election.	Certificate shall state that the political party nominating the candidate polled at least 5 percent of the entire State vote for all candidates for Representative in Congress at last general election.	......do	Do.
	Certificate of nomination and acceptance of nomination for candidate of organized group—from 15 days after primary to 70 days before general election.	1,000 bona fide voters must have been present at meeting at which nomination was made.	......do	Do.
	Certificate of nomination and acceptance of nomination, for independent candidate—from 15 days after primary to 70 days before general election.	3 percent of State vote in last election for presidential electors.	......do	Do.
	Signed copy of petition of candidate for party primary, of petition of new party, and of certificate of nomination of independent—before being circulated.		......do	
Pennsylvania	Nomination petitions and affidavit of candidate of party candidate—on or before the 10th Tuesday prior to the primary.	100 in each of at least 10 counties.	Secretary of Commonwealth.	Mar. 9.
	Nomination papers and affidavit of candidate of political body which does not qualify as political party 2d Friday subsequent to the primary.	2 percent of entire largest vote for any elected candidate cast in last election.	......do	May 28.
	Write-in candidate nominated at primary must file affidavit within 60 days after primary.		......do	
Rhode Island	Declaration of candidacy—during 1st 10 days in June.		Secretary of State	June 10.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Rhode Island—Con't	Nomination papers—on the 70th day before primary.	1,000 including at least 25 from each county.	Submit to local board of elections of city where signers vote for certification, and filing with Secretary of State (by 60th day before primary).	June 10.
	Declaration of candidacy for independent candidate—during 1st 10 days in June.		Secretary of State	June 10.
	Nomination papers (accompanied by consent of candidate) for independent candidate—by 5 p.m. of the 10th day preceding primary.	1,000 including at least 25 from each county.	Secretary of State (submit to local boards for certification at least 5 days before filing deadline).	June 10.
South Carolina	Notice of candidacy and party pledge—by 12 o'clock noon on Apr. 30.		Treasure of State committee.	Apr. 30.
	Nominating petition for independent candidate—by 12 o'clock noon on Sept. 18.	At least 5 percent of registered electors in State but not more than 10,000.	State Election Commission.	
	Certification for ballot—by 12 o'clock noon on Sept. 18.		Officer who prepares ballot.	
South Dakota	Nominating petition—between 8 a.m. on Jan. 20 and 5 p.m. on 1st Tuesday of April before primary.	Not less than 1 percent of party vote for Governor at last election.	Secretary of State	Apr. 6.
	Certificate of nomination for independent—between 8 a.m. on May 1 and 5 p.m. on 1st Tuesday in August.	Not less than 1 percent of State vote for Governor at last election.	do	Aug. 3.
Tennessee	Nominating petition—at least by 12 o'clock noon on 1st Tuesday in June.	25	State Election Commission.	June 3.
	Petition of independent candidate—at least by 12 o'clock noon on 1st Thursday in June.	25	do	Do.
Texas	Request to go on ballot—			
	(1) By candidate		State chairman of party	Feb. 1.

	or (2) In behalf of candidate, plus consent to candidacy—.	25	do	Do.
	not later than 1st Monday in February			
	Request to have name placed before convention—nominee must have filed an application requesting that his name be placed before the convention as a candidate for nomination.		Chairman of appropriate executive committee.	
	Certificate of nomination of convention candidate of minor party—within 20 days after convention.		Secretary of State	
	Application for nomination, of independent candidate—within 30 days of 2d primary.	1 percent of State vote for Governor at last election.	do	July 5.
	Declaration of intent of person desiring to run as independent candidate—not later than 1st Monday in February.		do	Feb. 1.
	Loyalty (non-Communist) affidavit—all candidates must file with nomination papers.			
Utah	Declaration of candidacy—file between Mar. 25 and Apr. 25.		do	Apr. 26.
	Designation of nomination	25 registered voters	do	
	Acceptance of nomination, after designation—between Apr. 15 and May 10.		do	
	Certificate of nomination for independent candidate—on or before May 10.	300 legal voters	do	May 10.
	Acceptance of nomination by independent candidate—within 8 days after filing of certificate of nomination.		do	
Vermont	Primary petition with assent of candidate—not later than 5 p.m. on the 3d Monday of July before the primary.	500 legal voters	do	July 19.

B. TABLE II. NOMINATING PAPERS, PETITIONS, ETC.—Continued

State	Dates for filing	Number of signatures required	Filing officer	Last filing date in 1982
Vermont—Con't	Certificate of nomination for minor party candidate—from 47 to 60 days before general election.		Secretary of State	Sept. 16.
	Certificate of nomination for independent candidate—from 47 to 60 days before general election.	1,000 qualified voters	do	Do.
Virginia	Declaration of candidacy and petition—no more than 75 nor less than 60 days before the primary.	½ of 1 percent of the qualified voters registered within the election district as of the 1st day of January of the year preceding the year in which such petition must be filed.	Chairman of party committee.	Apr. 8.
	Notice of candidacy and petition for independent candidate—2d Tuesday in June.	½ of 1 percent of the qualified voters registered within the election district as of the 1st day of January of the year in which such petition must be filed.	State Board of Elections	June 8.
Washington	Declaration of candidacy by major party candidates—not earlier than last Monday of July nor later than next succeeding Friday.		Secretary of State	July 30.
	Convention nominating certificate for minor or new party candidates and independents—not later than last day for major party candidates to file declaration of candidacy.	Greater of 25 or 1 for each 10,000 voters at last Presidential election in State.	do	
	Nonsubversive affidavit—all candidates must file with declaration of candidacy.		do	
West Virginia	Certificate of announcement of candidacy—not earlier than the last Monday in February and not later than the last Saturday in March.		do	Mar. 27.

	Certification of nomination for convention candidate of minor party—not later than 1 day before primary.		do	May 31.
	Declaration of candidacy by independent candidate—not later than 31 days before primary.		do	
	Certificate of nomination (petition) for independent candidate—not later than 1 day before primary.	1 percent of State vote for U.S. Senator at last election.	do	May 31.
Wisconsin	Nomination papers and declaration by candidate—not later than 5 p.m. on 2d Tuesday in July.	Not less than 2,000 nor more than 4,000 electors.	Elections Board	July 13.
	Nomination papers and declaration by independent candidate—not later than 5 p.m. on 2d Tuesday in July.	Not less than 3,000 nor more than 5,000.	do	Do.
	Declaration by write-in candidate—within 2 days after receiving official notice of nomination.		do	
Wyoming	Application for nomination—from 74 to 50 days before primary.		Secretary of State	July 16.
	Petition for nomination for independent candidate—from 45 to 90 days before general election.	5 percent of State vote for U.S. Representative at last general election.	do	
	Acceptance of nomination by write-in candidate—within 5 days after notification by cancassing board of nomination.		do	

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[1] If incumbent files.
[2] If incumbent does not files.
[3] Leave with county clerk.
[4] Town clerk.
[5] Secretary of State.
[6] See pt. III for details.
[7] Incumbents.
[8] Non-incumbents.

C. TABLE III. FILING FEES AND ASSESSMENTS FOR CANDIDATES FOR U.S. SENATOR

State	Amount	Date of payment	To whom paid
Alabama[1]	Not to exceed $600	Set by party	Apparently set by party
Alaska	$100	At time of filing declaration of candidacy.	Director of elections.
Arizona	None (prohibited by constitution)		
Arkansas	Candidates' fees—none		
	Ballot fees—in amount required by party	On or before noon on 1st Tuesday in April.	Secretary of party State committee.
California[1]	2 percent of 1st year's salary	When declarations are filed	Clerk of county of candidates' residence, for delivery to Secretary of State.
Colorado	No statutory provision		
Connecticut	No statutory provision		
Delaware	Amount set by State executive committee of party but not to exceed 1 percent of total salary for entire term of office.	Required on giving notice of request for primary.	State election commissioner.
Florida[1]	Filing fee—3 percent of annual salary	When qualification papers are filed	Department of State.
	Committee assessment—2 percent of annual salary.		
Georgia[1]	3 percent of annual salary	Party primary candidates to pay at time of qualification.	State political party.
		All others to pay when filing notice of candidacy.	Secretary of State.
Hawaii	$75	When filing nomination papers	Lieutenant Governor.
Idaho[1]	$250	When filing declaration of candidacy	Secretary of State.
Illinois	No statutory provision		
Indiana	do		
Iowa	do		
Kansas[1]	1 percent of 1 year's salary	When filing declaration of intention to become candidate.	Do.
Kentucky	No statutory provision		
Louisiana	$400—State central committee of a political party may fix and impose an additional fee.	At time of filing notice of candidacy	Do.
Maine	No statutory provision		

C. Table III. Filing Fees and Assessments for Candidates for U.S. Senator—Continued

State	Amount	Date of payment	To whom paid
Maryland	$290[1]	When filing certificate of candidacy	State Administrative Board of Election Laws.
Massachusetts	No statutory provision		
Michigan	No statutory provision applying to candidates for U.S. Senator.		
Minnesota	$150[1]	At time of filing affidavit of candidacy	Secretary of State.
Mississippi	$300	60 days before primary	Secretary of state executive committee of party.
Missouri[1]	$100	Before filing declaration of candidacy	Treasurer of State central committee of political party.
Montana[1]	1 percent of annual salary	50 days before primary for party candidate; by primary filing deadline for independent and minor party candidates; 10 days after primary canvass for write-in candidates.	Secretary of State.
Nebraska[1]	do	Prior to filing nomination petition, except for write-in candidates, who must pay within 10 days after the canvass of the votes.	County treasurer of county of candidate's residence.
Nevada[1]	$250	At time of filing nomination papers by candidate.	Secretary of State.
New Hampshire[1]	$100	At time of filing declaration of candidacy.	Do.
New Jersey	No statutory provision		
New Mexico	do		
New York	do		
North Carolina	1 percent of annual salary	At time of filing notice of candidacy	State Board of Elections.
North Dakota	No statutory provision		
Ohio	½ of 1 percent of annual salary but not more than $50.	When filing nomination papers or declaration of intent to be a write-in candidate.	Secretary of State.
Oklahoma[1]	$1,000	When filing declaration	Secretary of State Election Board.
Oregon[1]	$150	When filing declaration of candidacy	Secretary of State.
Pennsylvania	Party candidates, $50; candidates of political bodies, $50.	When filing nomination petitions or nomination papers.	Secretary of Commonwealth.

C. TABLE III. FILING FEES AND ASSESSMENTS FOR CANDIDATES FOR U.S. SENATOR—Continued

State	Amount	Date of payment	To whom paid
Rhode Island	No statutory provision		
South Carolina	To be fixed by State committee of political party.	When filing notice of candidacy	Treasurer of State committee of party.
South Dakota	No statutory provision		
Tennessee	do		
Texas[1]	$2,000	When candidate files application for a place on the ballot.	Chairman of State executive committee.
Utah[1]	¼ of 1 percent of total salary for full term	When filing nomination paper or acceptance.	Secretary of State.
Vermont	No statutory provision		
Virginia[1]	2 percent of 1 year's salary	Before filing declaration of candidacy	State treasurer.
Washington[1]	1 percent of annual salary	When filing declaration of candidacy	Secretary of State.
West Virginia	do	When filing certificate of announcement of candidacy or of declaration by independents.	Do.
Wisconsin	No statutory provision		Do.
Wyoming[1]	$100	When filing nomination papers or acceptance of nomination.	

[1] See pt. III for details as to which candidates must pay.

D. TABLE IV. CROSSFILING BY CANDIDATES FOR THE OFFICE OF U.S. SENATOR

State	Prohibited	Candidate must support party	If nominated by more than 1 party, must choose[1]	Party affiliation required	Restrictions on candidate defeated in primary[1]
Alabama	Yes	X			
Alaska	Yes				
Arizona	Yes		X		X
Arkansas	Yes	X		X	X
California	Yes			X	X
Colorado	Yes[1]			X	X
Connecticut	(2)	(2)	(2)	xl(2)	(2)
Delaware	(3)	(3)	(3)	(3)	(3)
Florida	Yes	X		X	
Georgia	(4)	X	(4)	X	(4)
Hawaii	Yes	X		X	
Idaho	Yes	X		X	X
Illinois	Yes		X		
Indiana	Yes[1]			X	
Iowa	Yes[1]		X	X	
Kansas	Yes		X	X	
Kentucky	Yes		X		X
Louisiana	Yes[1]				
Maine	Yes[1]			X	
Maryland	Yes[1]		X	X	X
Massachusetts	Yes[1]			X	X[1]
Michigan	Yes[1]		X		X
Minnesota	Yes	X	X		X
Mississippi	Yes[1]	X			X[1]
Missouri	Yes[1]		X		
Montana	Yes[1]		X	X	
Nebraska	Yes	X		X[1]	X[1]
Nevada	Yes	X		X[1]	
New Hampshire.	Yes			X	
New Jersey	Yes	X	X		X[1]
New Mexico	Yes[1]			X	X[1]
New York	No[1] (5)		(6)	X[1]	
North Carolina.	Yes			X	X[1]
North Dakota	Yes	X	X		X[1]
Ohio	Yes	X		X[1]	X
Oklahoma	Yes[1]			X	
Oregon	Yes		(7)	X	X
Pennsylvania	Yes		X		
Rhode Island	Yes[1]		X	X	
South Carolina.	Yes	X			X
South Dakota	(1)				X
Tennessee	(1)				X
Texas	Yes			X	X
Utah	Yes	X			X[1]
Vermont	No		(8)		(1)
Virginia	Yes[1]		(3)	X	X[1]
Washington	Yes		X	X	X
West Virginia	Yes			X	
Wisconsin	Yes		X	X	(1)
Wyoming	Yes		(3)	X	X

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[1] See pt. III for detailed provisions.
[2] Nominations are started by conventions.
[3] No statutory provisions.
[4] Candidate shall qualify according to party rules.
[5] Candidates for U.S. Senate are nominated by convention.
[6] May accept more than 1 party nomination.
[7] Candidate not nominated in primary may accept more than 1 nomination for same office.
[8] May choose 1 or more.

E. TABLE V. STATE STATUTES DESIGNED TO KEEP SUBVERSIVE PARTIES OFF THE BALLOT

State	Communist Party barred from ballot	Party or person advocating overthrow of Government by force barred from ballot
Alaska		X[1]
Arizona	X[2]	X
Arkansas	X	X
California		X[1]
Connecticut	X	X
Florida	X	X
Georgia	X	X
Hawaii		X[1]
Illinois	X	X
Indiana		X[1] [3]
Kansas	X	X
Louisiana	X	X
Massachusetts	X	X
Minnesota		X[1]
New Jersey		(1)
Ohio		X
Oregon		X
Pennsylvania		X
Tennessee		X
Texas	X	X
Washington	X	X[1]
Wisconsin	X	X
Wyoming	X	X

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[1] See pt. III for detail.

[2] Law disenfranchising Communist Party has been declared unconstitutional by District Court of Arizona, in *Blawis* v. *Dolin*, 358 F. Supp. 349 (Ariz., 1973).

[3] Indiana law requiring all political parties to submit a loyalty oath stating that they did not advocate the overthrow of local, State or National Government by force or violence was declared unconstitutional in *Communist Party of Indiana* v. *Whitcomb*, 414 U.S. 441 (1974).

F. TABLE VI. ELECTION OFFENSES

State	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)
Alabama	X	X	X			X			X	X	X	X					
Alaska	X	X	X			X			X				X		X		X
Arizona	X	X	X					X			X	X	X		X		X
Arkansas	X	X	X			X		X	X	X[1]	X	X	X			X[1]	X
California	X	X	X				X		X		X[1]	X	X	X	X	X[1]	X
Colorado	X	X	X			X	X	X	X		X	X	X		X		X
Connecticut	X	X	X			X	X			X	X	X	X				X
Delaware	X	X	X			X		X	X		X	X					X
Florida	X	X	X						X		X	X	X				X
Georgia	X	X	X			X			X			X	X				X
Hawaii	X	X	X						X			X	X	X	X		X
Idaho	X	X	X					X	X		X	X	X[1]				X
Illinois	X	X	X			X			X			X				X	X
Indiana	X	X	X				X	X	X		X	X	X		X		X
Iowa	X	X	X					X				X	X		X	X[1]	X
Kansas	X	X	X			X			X		X	X	X		X		X
Kentucky	X	X	X			X			X	X	X	X			X		X
Louisiana	X	X	X			X			X			X	X	X		X	X
Maine	X	X	X			X						X	X				X
Maryland	X	X	X	X		X		X	X		X	X	X		X		X
Massachusetts	X	X	X			X		X	X	X	X		X		X		X
Michigan	X	X	X		X	X	X	X		X	X	X	X				X
Minnesota	X	X	X	X	X	X		X	X	X	X	X	X	X	X		X
Mississippi	X	X	X		X	X		X	X	X	X	X					X
Missouri	X	X	X			X		X	X		X	X	X		X		X
Montana	X	X	X	X		X	X	X	X	X	X	X	X	X			X
Nebraksa	X	X	X			X		X			X	X		X	X		X
Nevada	X	X						X	X		X	X	X		X		X
New Hampshire	X	X	X			X			X			X	X				X
New Jersey	X	X	X	X			X	X	X	X	X	X		X			X
New Mexico	X	X	X			X		X	X			X	X		X		X
New York	X	X	X				X			X	X	X	X		X	X	X
North Carolina	X	X	X					X	X		X		X				X
North Dakota	X	X						X		X			X				X
Ohio	X	X	X				X		X		X				X		X

F. TABLE VI. ELECTION OFFENSES—Continued

State	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)	(N)	(O)	(P)	(Q)
Oklahoma	X	X	X			X		X	X			X	X				X
Oregon	X	X	X				X	X	X	X	X	X		X			X
Pennsylvania	X	X	X						X		X						X
Rhode Island	X	X	X						X		X	X	X				X
South Carolina	X	X	X			X		X				X	X				X
South Dakota	X	X	X					X[1]	X		X	X	X		X		X
Tennessee	X	X	X					X	X		X	X	X		X		X
Texas	X	X	X					X	X						X		X
Utah	X	X	X			X	X	X	X	X	X	X	X	X	X		X
Vermont	X	X				X		X	X								X
Virginia	X	X	X					X	X			X	X				X
Washington	X	X	X		X	X			X			X	X				X
West Virginia	X	X	X					X	X	X	X	X	X			X	X
Wisconsin	X	X	X				X	X	X	X	X	X	X		X		X
Wyoming	X	X	X		X[1]	X	X		X		X	X	X	X	X		X

[1] See pt. III for details.

NOTE: (A) Unlawful solicitation of votes, corruptly influencing voter, bribery; (B) Intimidation of or hindering voter; (C) Gift or promise of money or things of value to person to vote or not to vote; (D) Entertainment to promote an election; (E) Transportation of voters; (F) Intoxicating liquor, furnishing on election day, etc.; (G) Bribing members of a political nominating meeting; (H) Betting on outcome of election; (I) Unidentified advertising and other printed matter; (J) Solicitation of funds from candidate by certain organizations and persons; (K) Election coercion by employer; (L) Tampering with voting machine, ballot box; (M) Electioneering near polls; (N) Payment for withdrawal of candidate; (O) Time off for voting, failure to give; (P) Use of appropriated funds to influence election; and (Q) See pt. III for other offenses.

G. TABLE VII. WRITE-IN PROVISIONS

State	Permitted in primary	Permitted in general election	State	Permitted in primary	Permitted in general election
Alabama		X	Montana	X	X
Alaska	(1)	X	Nebraska	X[2]	X[2]
Arizona	X	X	Nevada	(1)	(1)
Arkansas	(1)	X[2]	New Hampshire	X	X
California	X	X	New Jersey	X	X
Colorado	X	X	New Mexico	X[2]	X
Connecticut	X	X	New York	X	X
Delaware	(1)	X	North Carolina	(1)	X[2]
Florida	(2)	(2)	North Dakota	X[2]	X
Georgia	(2)	X	Ohio	X[2, 6]	X[2]
Hawaii	(3)	(3)	Oklahoma	(2)	(2)
Idaho	X	X	Oregon	X	X
Illinois	X	X	Pennsylvania	X	X
Indiana	X	X	Rhode Island		X
Iowa	X	X	South Carolina		X[2]
Kansas	X[4]	X	South Dakota		
Kentucky		X	Tennessee	X	X
Louisiana			Texas		X[2]
Maine	X[2]	X[2]	Utah	X[2]	X
Maryland	(1)	X	Vermont	X	X
Massachusetts	X[2]	X[2]	Virginia	(1)	X
Michigan	X[2]	X	Washington	X[2]	X[2]
Minnesota	(1)	X[2]	West Virginia		X
Mississippi		X[5]	Wisconsin	X[2]	X[2]
Missouri		X	Wyoming	X	X

[1] Specifically prohibited.
[2] See pt. III for details.
[3] No statutory provisions.
[4] Only when there are no nomination petitions or declaration papers for any office.
[5] Only in case of death of the candidate.
[6] Except for delegates to national and State conventions and for members of the State and county central committees.

H. TABLE VIII. FILLING OF VACANCY IN OFFICE OF UNITED STATES SENATOR

[See pt. III for details.]

[Subject to changes made in special and regular sessions of 1982 legislatures]

State	Temporary appointment by Governor	When vacancy to be filled
Alabama	X [1]	At next general election, if vacancy occurs within 4 mo. of but before 60 days prior to the general election. At all other times, the Governor shall order a special election.
Alaska	X [2] Within 30 days unless Senate will not meet before expiration of the term, or vacancy will be filled by special election before Senate meets.	At 1st general election held more than 3 calendar months after vacancy occurs, if unexpired term is for more than 2 years plus 5 full calendar months.
Arizona	(3)	At next general election. Must call special primary and special election if next general election is not to be held within 6 mo. from date of vacancy.
Arkansas	X [2]	At next general election held more than 60 days and less than 12 mo. after vacancy. Must call special election to be held within 60 to 120 days after vacancy if no general election shall occur within 12 mo. of vacancy.
California	X [1]	At next general election succeeding the vacancy or at any special election.
Colorado	X [2]	At next general election.
Connecticut	X [1]	At next general election. If vacancy occurs less than 60 days prior thereto, it shall be filled at 2d general election next following vacancy.
Delaware	X [1]	At next general election.
Florida	X [1]	Do.
Georgia	X [1]	At the next November election occurring at least 40 days after the occurence of such vacancy.
Hawaii	X [2,4]	At next general election if vacancy occurs more than 60 days prior to primary. Otherwise at general election next following vacancy.
Idaho	X [1]	At next general election. If vacancy occurs less than 30 days prior thereto, it shall be filled at 2d general election following.
Illinois	X [2]	At next general election of Representatives in Congress.
Indiana	X [2]	At next regular election of State officers.
Iowa	X [2] Appointment to be made only if vacancy occurs when Senate is in session, or if Senate will convene prior to next general election.	At next general election.
Kansas	X [2]	At next election of Representatives in Congress.

See footnotes at end of table.

H. TABLE VIII. FILLING OF VACANCY IN OFFICE OF UNITED STATES SENATOR—Continued

[See pt. III for details.]

[Subject to changes made in special and regular sessions of 1982 legislatures]

State	Temporary appointment by Governor	When vacancy to be filled
Kentucky	X [2]	At next regular election at which Members of the lower branch of Congress are elected.
Louisiana	X [5]	At special election to be called by Governor.
Maine	X [2]	Vacancy shall be filled at the next general election; if vacancy occurs less than 60 days before primary, it shall be filled at 2d following general election.
Maryland	X [2]	At next ensuing congressional election for which candidates for Congress have been nominated at regular primary election.
Massachusetts	X [2]	At next biennial State election if vacancy occurs not less than 70 days before primary; otherwise at biennial State election next following.
Michigan	X [2]	At next general November election occurring more than 120 days after such vacancy.
Minnesota	X [1]	At special election to be held at next November election if vacancy occurs at least 6 weeks before regular primary preceding that election, otherwise at 2d November election after vacancy occurs.
Mississippi	X [5]	At next general election. Governor shall order a special election if unexpired term is more than 12 mo. and if there is no general election in the year in which the vacancy occurs.
Missouri	X [2]	Appointee shall serve until a successor shall have been duly elected.
Montana	X [1]	At next general State election.
Nebraska	X [2]	At next regular general election if vacancy occurs more than 60 days before same; otherwise at 2d regular general election following.
Nevada	X [1]	At next general election.
New Hampshire	X [2]	Do.
New Jersey	X [1]	At next general election. If vacancy occurs within 30 days of regular primary or of next general election, it shall be filled at 2d succeeding general election unless Governor deems it advisable to call a special election.
New Mexico	X [2]	At the next general election occurring not less than 30 days after vacancy occurs.
New York	X [2]	At the next even-numbered yearly general election, the primary for which shall occur at least 60 days after the happening of the vacancy.
North Carolina	X [2]	At the next general election for members of the general assembly if vacancy occurs more than 30 days before such election.

See footnotes at end of table.

H. TABLE VIII. FILLING OF VACANCY IN OFFICE OF UNITED STATES SENATOR—Continued

[See pt. III for details.]

[Subject to changes made in special and regular sessions of 1982 legislatures]

State	Temporary appointment by Governor	When vacancy to be filled
North Dakota	X [1]	At next statewide election.
Ohio	X [2]	At next regular State election which occurs more than 180 days after vacancy happened.
Oklahoma	X [6]	At special election in the State to be called by the Governor within 30 days after occurrence of the vacancy.
Oregon	X [2,4]	At the next general election occurring more than 20 days after vacancy occurs.
Pennsylvania	X [1]	At special elections to be held at the time of next general or municipal election occurring at least 90 days after vacancy.
Rhode Island	X [2]	At the next general election 70 days after occurrence of said vacancy
South Carolina	X [1]	At next general election which occurs at least 100 days after happening of vacancy.
South Dakota	X [1]	At next primary or general election, if one is held within 6 mo. of vacancy. Otherwise Governor calls special election to be held between 80 and 90 days after vacancy occurs.
Tennessee	X [2]	Appointment shall be made only if Congress shall be in session before next biennial general election which is held after occurrence of vacancy. Vacancy shall be filled at next regular biennial election in November
Texas	X [2]	Appointment to be made only if Congress is in session. Governor must order a special election to be held not less than 60 days nor more than 90 days after his call, unless vacancy occurs prior to Mar. 10 in a general election year, in which case Senator shall be elected at general election.
Utah	X [2]	At next general election.
Vermont	X [1]	Governor shall call special election to be held not more than 3 mo. from the date of the vacancy; except that, if the vacancy occurs within 6 mo. of a general election, the special election may be held the same day as the general election.
Virginia	X [1]	At next November election.
Washington	X [2]	At next general election.
West Virginia	X [2]	If unexpired term is for less than 2 yrs. and 6 mo. appointee to serve full unexpired term; otherwise, vacancy shall be filled at next general election.
Wisconsin	X [2]	At 1st general election next following occurrence of vacancy. If vacancy occurs less than 60 days prior to the 2d Tuesday in July in even-numbered years, it shall be filled 2 yrs. hence.

See footnotes at end of table.

H. TABLE VIII. FILLING OF VACANCY IN OFFICE OF UNITED STATES SENATOR—Continued

[See pt. III for details.]

[Subject to changes made in special and regular sessions of 1982 legislatures]

State	Temporary appointment by Governor	When vacancy to be filled
Wyoming	X [2]	At 1st general election next following occurrence of vacancy. If vacancy occurs less than 40 days before ensuing primary, it shall be filled at 2d general election following.

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[1] Governor may make appointments

[2] Governor shall make appointment.

[3] No provision for appointment of a Senator to fill vacancy.

[4] Appointee must be of same political party as that by which the elected predecessor in such office was designated on the election ballot.

[5] If U.S. Senate is in session, the Governor shall appoint within 10 days; if Senate is not in session Governor may appoint.

[6] Governor shall appoint candidate elected at general election where vacancy occurs after Mar. 1 of even-numbered year and term expires the following year.

I. TABLE IX. FILING DATES—1982 F.E.C.A. REPORTS

State	Date of election	Closing date of books	12-day preprimary runoff reports [1]		
			Mailing date [2] of certified or registered mail	Filing date [3]	Senate race
Alabama	Sept. 7	Aug. 18	Aug. 23	Aug. 26	
	Sept. 28	Sept. 8	Sept. 13	Sept. 16	
Alaska	Aug. 24	Aug. 4	Aug. 9	Aug. 12	
Arizona	Sept. 7	Aug. 18	Aug. 23	Aug. 26	X
Arkansas	May 25	May 5	May 10	May 13	
	June 8	May 19	May 24	May 27	
California	June 8	May 19	May 24	May 27	X
Colorado	Sept. 14	Aug. 25	Aug. 30	Sept. 2	
Connecticut.	Sept. 7	Aug. 18	Aug. 23	Aug. 26	X
Delaware	Sept. 11	Aug. 22	Aug. 27	Aug. 30	X
Florida	Sept. 7	Aug. 18	Aug. 23	Aug. 26	X
	Oct 5	Sept. 15	Sept. 20	Sept. 23	
Georgia	Aug. 10	July 21	July 26	July 29	
	Aug. 31	Aug. 11	Aug. 16	Aug. 19	
Hawaii	Sept. 18	Aug. 29	Sept. 3	Sept. 6	X
Idaho	May 25	May 5	May 10	May 13	
Illinois	Mar. 16	Feb. 24	Mar. 1	Mar. 4	
Indiana	May 4	Apr. 14	Apr. 19	Apr. 22	X
Iowa	June 8	May 19	May 24	May 27	
Kansas	Aug. 3	July 14	July 19	July 22	
Kentucky	May 25	May 5	May 10	May 13	
Louisiana	Sept. 11	Aug. 22	Aug. 27	Aug. 30	
Maine	June 8	May 19	May 24	May 27	X
Maryland	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
Massachusetts.	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
Michigan	Aug. 3	July 14	July 19	July 22	X
Minnesota	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
Mississippi.	June 1	May 12	May 17	May 20	X
	June 22	June 2	June 7	June 10	
Missouri	Aug. 3	July 14	July 19	July 22	X
Montana	June 8	May 19	May 24	May 27	X
Nebraska	May 11	Apr. 21	Apr. 26	Apr. 29	X
Nevada	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
New Hampshire.	Sept. 14	Aug. 25	Aug. 30	Sept. 2	
New Jersey.	June 8	May 19	May 24	May 27	X
New Mexico.	June 1	May 12	May 17	May 20	X
New York	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
North Carolina.	May 4	Apr. 14	Apr. 19	Apr. 22	
	June 1	May 12	May 17	May 20	
North Dakota.	June 8	May 19	May 24	May 27	X
Ohio	June 8	May 19	May 24	May 27	X
Oklahoma	Aug. 24	Aug. 4	Aug. 9	Aug. 12	
	Sept. 21	Sept. 1	Sept. 6	Sept. 9	
Oregon	May 18	Apr. 28	May 3	May 6	
Pennsylvania.	May 18	Apr. 28	May 3	May 6	X
Rhode Island.	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
South Carolina.	June 8	May 19	May 24	May 27	
	June 22	June 2	June 7	June 10	

I. TABLE IX. FILING DATES—1982 F.E.C.A. REPORTS—Continued

State	Date of election	Closing date of books	12-day preprimary runoff reports [1]		
			Mailing date [2] of certified or registered mail	Filing date [3]	Senate race
South Dakota.	June 1	May 12	May 17	May 20	
Tennessee	Aug. 5	July 16	July 21	July 24	X
Texas	May 1	Apr. 11	Apr. 16	Apr. 19	X
	June 5	May 16	May 21	May 24	
Utah	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
Vermont	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
Virginia	June 8	May 19	May 24	May 27	X
Washington.	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
West Virginia.	June 1	May 12	May 17	May 20	X
Wisconsin	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
Wyoming	Sept. 14	Aug. 25	Aug. 30	Sept. 2	X
General election.	Nov. 2	Oct. 13	Oct. 18	Oct. 21	

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[1] Caucus or convention: In States where a party holds a caucus or convention which has the authority to select the party's nominee for the general election, the convention or caucus is considered an election for which pre- and post-election reports are required. In those cases, the date of the convention or caucus counts as the date of the election.

[2] If sent by registered or certified mail.

[3] Filing and mailing date if sent by registered or certified mail.

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